

WASHINGTON.

Leonard Talbott to be postmaster at Toppenish, Wash., in place of Charles W. Grant, removed.

WEST VIRGINIA.

W. G. Bayliss to be postmaster at Macdonald, W. Va., in place of J. W. P. St. Clair, removed.

WISCONSIN.

John F. Samson to be postmaster at Cameron, Wis., in place of Frank Samson, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 11 (legislative day of September 5), 1914.

UNITED STATES MARSHAL.

Jerome J. Smiddy to be United States marshal, district of Hawaii.

RECEIVER OF PUBLIC MONEYS.

John J. Missemmer to be receiver of public moneys at Hugo, Colo.

REGISTER OF THE LAND OFFICE.

John R. Beavers to be register of the land office at Hugo, Colo.

POSTMASTERS.

ILLINOIS.

William F. Hogan, Dixon.

MASSACHUSETTS.

John McGrath, Amesbury.

E. H. Moore, Holden.

NEW YORK.

Bessie M. Wyvell, Wellsville.

WITHDRAWALS.

Executive nominations withdrawn September 11 (legislative day of September 5), 1914.

POSTMASTERS.

ARKANSAS.

G. R. Pendleton to be postmaster at Junction City, Ark.

NEW MEXICO.

E. R. Gesler to be postmaster at Columbus, N. Mex.

PENNSYLVANIA.

George R. Hutchison to be postmaster at Alexandria, Pa.

HOUSE OF REPRESENTATIVES.

FRIDAY, September 11, 1914.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Most merciful God, our heavenly Father, whose will is good will and in whom we put our trust, impart unto us of Thy substance that we may prove our faith in the common daily duties of life by a faithful service to our fellow men in justice, equity, truth, and good will, and thus be the instruments in Thy hands for the furtherance of Thy plans; in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MITCHELL, for 2 days, on account of death in his family.

To Mr. ROTHERMEL, for 1 day, on account of sickness.

To Mr. CONRY, for 10 days, on account of illness.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 311. Joint resolution instructing American delegate to the International Institute of Agriculture to present to the permanent committee for action at the general assembly in 1915 certain resolutions.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bill and joint resolution of the following titles:

S. 4741. An act for the relief and protection of the water supply of the city of Salt Lake City, Utah; and

S. J. Res. 121. Joint resolution authorizing the Secretary of War to furnish one United States garrison flag to William B. Cushing Camp, No. 30, Sons of Veterans.

APPROPRIATIONS AT THIS SESSION OF CONGRESS.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that immediately after the reading of the Journal to-morrow the gentleman from Massachusetts [Mr. GILLET] and myself may address the House on the question of appropriations at this session of Congress for not to exceed one hour each.

The SPEAKER. The gentleman from New York asks unanimous consent that to-morrow, immediately after the reading of the Journal, the gentleman from Massachusetts [Mr. GILLET], the ranking member of the Committee on Appropriations, and himself may address the House for not to exceed one hour each on the subject of appropriations at this session of Congress. Is there objection?

There was no objection.

REGINA F. PALMER.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to discharge the Committee on Invalid Pensions from further consideration of House joint resolution 342, to correct an error in H. R. 12914, an omnibus pension bill, and to consider the same at this time.

The SPEAKER. The gentleman from Missouri asks unanimous consent to discharge the Committee on Invalid Pensions from further consideration of House joint resolution 342 and to consider the same at this time. The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution 342.

Whereas by an error in printing the report of the Committee on Invalid Pensions upon H. R. 12914, approved July 21, 1914 (Private, No. 86), the designation of the military service of one Wilson P. Palmer, late captain Company G, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, was changed to read "late Lieut. Col. Letzinger's emergency battalion"; and

Whereas there is also an error in the soldier's name, which changed it to read "William P. Palmer"; Therefore be it

Resolved, etc., That the paragraph in H. R. 12914, approved July 21, 1914, granting a pension to Regina F. Palmer, as widow of William P. Palmer, Lieut. Col. Letzinger's battalion, Pennsylvania Infantry, be amended to read as follows:

"The name of Regina F. Palmer, widow of Wilson P. Palmer, late captain Company G, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving."

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, it seems to me that the gentleman from Missouri [Mr. RUSSELL] or some other member of the Committee on Invalid Pensions ought to go over that act and get all of the corrections in at once. We have passed a number of resolutions reciting as a fact what is not the fact—that through an error in printing a certain bill certain errors were made. The errors were not in printing the bill at all. We put it off on the Printing Office, as though the printers had made an error, which they did not do. We seek to shove our errors onto some one else. Some one has told me that there are about 40 errors in that law. I do not know whether there are or not. I think we have corrected about a dozen or so. Why does not the committee go through the act and discover what the errors are and bring in a resolution correcting them all at once, without telling an untruth about it?

Mr. RUSSELL. Mr. Speaker, I think, perhaps, that would be a proper thing to do; but I want to state to the gentleman from Illinois and to the House that out of about 2,000 bills that were introduced and passed at this session it is not at all surprising that there have been several mistakes, usually very minor mistakes, in a given name or in the number of the company or regiment or something of that sort. The form of this resolution was prepared by the examiner who was sent to the committee by the Pension Department.

Mr. MANN. And I suppose he made the error, and he wants to put it on somebody else.

Mr. RUSSELL. That may be true. I confess that we have not taken the time—and I think it would be a very considerable labor to do that—to go through the acts passed and compare them with the 2,000 bills that have been introduced and considered in the House by different Members to see whether any mistakes have been made.

Mr. MANN. I suppose the Pension Office knows now regarding the mistakes, because, as I understand, they do not allow these pensions because of the errors in the description of the person. I suppose they know them all. That is where the gentlemen who introduce these resolutions get their information. I do not wonder that mistakes are made, although it seems curious that so many mistakes were made in one act. What

I object to is putting our mistakes off on the Public Printer, by saying that through some error in printing the bill the mistake was made, when the printer followed copy exactly.

Mr. RUSSELL. My recollection is the resolution introduced about three days ago by the gentleman from Massachusetts [Mr. GILLET] was objected to by the gentleman from Illinois, and we undertook to modify that form to correspond with the criticism of the gentleman from Illinois, and in that resolution stated that it was a clerical error, but I understand the gentleman from Illinois objected to that.

Mr. MANN. Oh, no; I did not object to that.

Mr. RUSSELL. My recollection is that the gentleman stated that it was not true.

Mr. MANN. I congratulated the committee on reciting the facts correctly when they said a clerical error, instead of reciting that it was through an error in printing.

Mr. RUSSELL. Since that time, I will state to the gentleman from Illinois, I have suggested to every Member who has consulted me about it that they ought to follow that form; but this resolution was this morning for the first time called to my attention by the gentleman from Oregon [Mr. LAFFERTY]. I had not seen it before, and had never heard of it, but it is proper that the correction be made, and its form was prepared by the examiner sent here by the Pension Department. I dislike very much to annoy the House with these resolutions, but they should be corrected in some way.

Mr. MANN. Oh, I think the House is under obligations to the gentleman from Missouri for his courtesy in the matter.

Mr. RUSSELL. I thank my friend from Illinois.

Mr. GOULDEN. Mr. Speaker, will the gentleman yield?

Mr. RUSSELL. Yes.

Mr. GOULDEN. These mistakes occur because they are made by the Members?

Mr. RUSSELL. Frequently by Members, but possibly sometimes by some clerk.

Mr. GOULDEN. It is not a very serious matter, anyway.

Mr. RUSSELL. I know these mistakes are sometimes made by Members themselves.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bill and joint resolution of the following titles:

S. 4741. An act for the protection of the water supply of the city of Salt Lake City, Utah; and

S. J. Res. 121. Joint resolution authorizing the Secretary of War to furnish one United States garrison flag to William B. Cushing Camp, No. 30, Sons of Veterans.

ENROLLED JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following joint resolutions:

H. J. Res. 334. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved July 21, 1914; and

H. J. Res. 337. Joint resolution to provide for representation of foreign Governments growing out of existing hostilities in Europe and elsewhere, and for other purposes.

ORDER OF BUSINESS.

The SPEAKER. Under the agreement entered into yesterday the House resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill—

Mr. MANN. Mr. Speaker, there was no agreement.

The SPEAKER. Why, the gentleman from Oklahoma [Mr. FERRIS] got unanimous consent.

Mr. MADDEN. Mr. Speaker, I objected to the unanimous consent.

The SPEAKER. If the gentleman did so, that is the end of it.

Mr. FERRIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FERRIS. Under the rule, so long as the consideration of these conservation bills provided for under the special rule did not conflict or interfere with pension days, are not those bills in order under the rule?

Mr. MADDEN. Mr. Speaker, if I may be allowed, in making the objection which I made last night I simply made it for the purpose of preventing this bill from getting in the way of business that was entitled to be taken up to-day. I really think there is no objection to the consideration of the bill now, and I certainly would not make any, but my objection last night was for the purpose of giving the legitimate business of the day the right of way.

Mr. FERRIS. Mr. Speaker, I believe the gentleman in all fairness will allow me to state I asked that it be considered only in the event there was no pension legislation. I have not offered to take any advantage whatever. I now ask to proceed with this bill to-day.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to proceed with the consideration of the bill H. R. 16136. Is there objection?

Mr. HOWARD. Mr. Speaker, reserving the right to object, I would like to ask the Chair what would be the status of bills on the Private Calendar other than pension bills in the event the Committee on Pensions had no bills? Would the calendar be considered in the regular order under the rule?

Mr. MANN. If the Speaker will permit me to make a suggestion to the gentleman, the bills which would be in order to-day are, first, bills removing the charge of desertion. They would probably take the day.

The SPEAKER. The Chair will read the rule, beginning at the beginning:

On Friday of each week, after the disposal of such business on the Speaker's table as requires reference only, it shall be in order to entertain a motion for the House to resolve itself into the Committee of the Whole House to consider business on the Private Calendar in the following order: On the second and fourth Fridays of each month preference shall be given to the consideration of private pension claims and bills removing political disabilities and bills removing the charge of desertion. On every Friday except the second and fourth Fridays the House shall give preference to the consideration of bills reported from the Committee on Claims and the Committee on War Claims, alternating between the two committees.

Now, the rule says preference shall be given on the second and fourth Fridays in the consideration of private pension claims and bills removing political disabilities and bills removing the charge of desertion. Now, if there are any bills of that sort they may be considered under this rule.

Mr. HOWARD. Mr. Speaker, the reason I reserved the right to object—I do not know that I intend to object finally—is this: There are many bills on the Private Calendar that have been objected to on the Unanimous Consent Calendar, and there has been absolutely no opportunity for the membership of the House to consider those bills on their merits, and if there would not be any opportunity to consider those bills to-day that come from the Committee on Military Affairs, of which I am a member—and I have reported for the committee several of those bills on the calendar—or from the Committee on Naval Affairs, I certainly will object; and I would like to ascertain, if possible, how many bills for the removal of disabilities are on the calendar, if any.

The SPEAKER. That is a thing the Speaker does not know.

Mr. HOWARD. Well, Mr. Speaker, if I am in order, I will ask unanimous consent that bills on the Private Calendar that have not received any consideration, reported from the Committee on Military Affairs and the Committee on Naval Affairs, be made the order of business to-day.

The SPEAKER. There can not be two unanimous consents pending at once. The Chair will first put the one of the gentleman from Oklahoma.

Mr. HOWARD. Can I move to substitute my motion for the motion of the gentleman from Oklahoma?

The SPEAKER. No.

Mr. HOWARD. Then, Mr. Speaker, I object to the unanimous consent.

The SPEAKER. The gentleman from Georgia objects.

Mr. HOWARD. I then ask unanimous consent that bills reported from the Committees on Naval Affairs and Military Affairs be considered to-day.

The SPEAKER. The gentleman from Georgia asks unanimous consent that bills emanating from the Committee on Military Affairs and the Committee on Naval Affairs be in order to-day. Is there objection?

Mr. ALLEN. Mr. Speaker, reserving the right to object—

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. HOWARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOWARD. Will it be in order to move that the House go into the Committee of the Whole House?

The SPEAKER. It is in order for the gentleman to make the motion for the House to resolve itself into the Committee of the

Whole House for the consideration of private pension claims, bills removing political disabilities, and bills removing the charge of desertion.

Mr. HOWARD. Well, Mr. Speaker, not to repeat what the Speaker has said, I move that the House resolve itself into the Committee of the Whole House for the purpose of considering bills on the Private Calendar under the rule.

Mr. FERRIS. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. FERRIS. The point of order is this: Under the rule, so long as no member of the Committee on Military Affairs or of the Committee on Pensions is clamoring for recognition or seeking to bring up any legislation on the two days set apart for their business, I think we automatically resolve the House in Committee of the Whole for the consideration of this bill, and the gentleman's motion therefore is not in order.

Mr. HOWARD. Mr. Speaker, I am a member of the Committee on Military Affairs.

The SPEAKER. The gentleman has the right to make a motion. It is not necessary for the chairman of one of those committees to make the motion. The special order excepted private bills from the operation of that rule, anyway. The question is on agreeing to the motion of the gentleman from Georgia [Mr. HOWARD], that the House resolve itself into Committee of the Whole House to consider bills on the Private Calendar.

Mr. FERRIS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. FERRIS. Does the motion embody the taking up of any other bills than bills emanating from the Committee on Pensions and the Committees on Military Affairs and Naval Affairs—bills removing the charge of desertion?

The SPEAKER. The Chair assumes that, when he is appointed, the Chairman of the Committee of the Whole House will decide that matter for himself.

Mr. BUCHANAN of Illinois rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. BUCHANAN of Illinois. For information. I would like to ask the gentleman from Georgia [Mr. HOWARD] if there are any bills of that character on the calendar?

Mr. HOWARD. Of what character?

Mr. BUCHANAN of Illinois. Bills from the Committees on Naval Affairs or Military Affairs for removing the charge of desertion.

Mr. HOWARD. There are numerous bills, Mr. Speaker, on the calendar from the Committees on Military Affairs and Naval Affairs that will never be reached unless we get this motion agreed to.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Georgia [Mr. HOWARD], that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. FERRIS. A division, Mr. Speaker.

The SPEAKER. A division is demanded. All those in favor of agreeing to the motion that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar will rise and stand until they are counted. [After counting.] Eighty-seven gentlemen have arisen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Seventy-one gentlemen have arisen in the negative. On this question the ayes are 87 and the noes are 71, and the House—

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and ninety-two Members are present—not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of going into Committee of the Whole House will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 76, nays 141, answered "present" 5, not voting 109, as follows:

YEAS—176.

Abercrombie	Bathrick	Bulkley	Claypool
Adamson	Beall, Tex.	Burnett	Cline
Alexander	Blackmon	Butler	Coady
Allen	Britten	Byrns, Tenn.	Collier
Ansberry	Brocksom	Candler, Miss.	Cooper
Ashbrook	Brodbeck	Cantrill	Covington
Aswell	Broussard	Caraway	Dale
Bailey	Brown, W. Va.	Cary	Decker
Baker	Bruckner	Casey	Deitrick
Baltz	Buchanan, Tex.	Clark, Fla.	Dent

Dershem
Dickinson
Dies
Difenderfer
Dixon
Doremus
Driscoll
Drukker
Dupré
Eagle
Edmonds
Edwards
Evans
Farr
Fields
Fitzgerald
FitzHenry
Flood, Va.
Foster
Francis
Frear
French
Gard
Garner
Garrett, Tenn.
Garrett, Tex.
Godwin, N. C.
Goeke
Goodwin, Ark.
Gordon
Goulden
Gray
Gudger
Hamilton, Mich.

Hammond
Hardwick
Hardy
Hart
Haugen
Hawley
Hay
Heflin
Henry
Holland
Howard
Howell
Hughes, Ga.
Hull
Igoe
Jacoway
Johnson, Ky.
Johnson, S. C.
Kinkead, N. J.
Kirkpatrick
Kitchin
Kreider
Lazaro
Lee, Ga.
Lee, Pa.
Leshner
Lieb
Linthicum
Lloyd
Lobeck
Lonergan
McCoy
McKellar
McLaughlin

Madden
Maguire, Nebr.
Mapes
Miller
Mitchell
Mondell
Montague
Moon
Morgan, La.
Morin
Mott
Mulkey
Neely, W. Va.
Nolan, J. I.
O'Hair
Oldfield
Padgett
Page, N. C.
Park
Phelan
Platt
Post
Pou
Prouty
Quin
Ragsdale
Rainey
Raker
Rauch
Rayburn
Reilly, Wis.
Riordan
Roberts, Mass.
Rubeys

Rucker
Rupley
Russell
Saunders
Shackleford
Sherwood
Sims
Slayden
Smith, Idaho
Smith, J. M. C.
Smith, Saml. W.
Smith, Tex.
Stanley
Stedman
Stephens, Miss.
Stephens, Nebr.
Stevens, Minn.
Stone
Summers
Talcott, N. Y.
Taylor, Ala.
Taylor, Colo.
Thomas
Tribble
Underwood
Vaughan
Walker
Watson
White
Williams
Willis
Wilson, Fla.
Wingo
Young, Tex.

NAYS—141.

Adair
Ainey
Anderson
Avis
Barchfeld
Barkley
Barnhart
Barton
Beakes
Bell, Cal.
Booher
Borchers
Borland
Bowdle
Browne, Wis.
Brumbaugh
Bryan
Buchanan, Ill.
Burke, S. Dak.
Burke, Wis.
Callaway
Campbell
Cantor
Carew
Carr
Carter
Chandler, N. Y.
Church
Clancy
Connolly, Kans.
Copley
Cox
Cramton
Cresser
Cullop
Danforth

Davenport
Davis
Dillon
Donohoe
Donovan
Doolling
Doolittle
Dunn
Eagan
Esch
Falconer
Fergusson
Ferris
Fordney
Fowler
Gallivan
Gillmore
Gittins
Goldfogle
Good
Gorman
Green, Iowa
Greene, Mass.
Greene, Vt.
Gregg
Hamilton, N. Y.
Hayes
Helgesen
Hilvering
Hinebaugh
Houston
Hullings
Humphrey, Wash.
Johnson, Utah
Johnson, Wash.
Keating

Kelster
Kelly, Pa.
Kennedy, Conn.
Kennedy, Iowa
Kennedy, R. I.
Ketner
Kinkaid, Nebr.
Konop
Lafferty
La Follette
Langham
Langley
Lenroot
Lindbergh
Logue
McAndrews
McClellan
McGuire, Okla.
McKenzie
MacDonald
Mann
Moore
Morgan, Okla.
Morrison
Moss, Ind.
Murray, Mass.
Murray, Okla.
Neeley, Kans.
Norton
O'Brien
O'Leary
Paige, Mass.
Parker
Patton, Pa.
Payne
Plumley

Porter
Reed
Roberts, Nev.
Rogers
Rouse
Scott
Shirley
Sinnott
Sisson
Sloan
Small
Smith, Minn.
Stafford
Stephens, Cal.
Stephens, Tex.
Stevens, N. H.
Taggart
Talbot, Md.
Taylor, Ark.
Temple
Ten Eyck
Thacher
Thompson, Okla.
Thomson, Ill.
Towner
Vollmer
Wallin
Walsh
Walters
Weaver
Whitacre
Witherspoon
Young, N. Dak.

ANSWERED "PRESENT"—5.

Gill
Glass

Sparkman

Underhill

Woods

NOT VOTING—109.

Aiken
Anthony
Austin
Bartholdt
Bartlett
Bell, Ga.
Brown, N. Y.
Browning
Burgess
Burke, Pa.
Byrnes, S. C.
Caldor
Carlin
Connolly, Iowa
Conry
Crisp
Curry
Doughton
Elder
Estopinal
Fairchild
Faison
Foss
Finley
Floyd, Ark.
Gallagher
Gardner
George

Gerry
Gillett
Graham, Ill.
Graham, Pa.
Griest
Griffin
Guernsey
Hamill
Harris
Harrison
Hayden
Helm
Hensley
Hill
Hinds
Hobson
Hoxworth
Hughes, W. Va.
Humphreys, Miss.
Jones
Kahn
Kelley, Mich.
Kent
Key, Ohio
Kless, Pa.
Kindel
Knowland, J. R.

Korbly
L'Engle
Lever
Levy
Lewis, Md.
Lewis, Pa.
Lindquist
Loft
McGillicuddy
Mahan
Maher
Manahan
Marrin
Merritt
Metz
Moss, W. Va.
Murdock
Nelson
Oglesby
O'Shaunessy
Palmer
Patten, N. Y.
Peters
Peterson
Powers
Reilly, Conn.
Rothmel
Sabath

Scully
Seldomridge
Sells
Shreve
Slomp
Smith, Md.
Smith, N. Y.
Steenerson
Stout
Stringer
Sutherland
Switzer
Tavener
Taylor, N. Y.
Townsend
Treadway
Tuttle
Vare
Volstead
Watkins
Webb
Whaley
Wilson, N. Y.
Winslow
Woodruff

So the motion of Mr. HOWARD was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. AIKEN with Mr. SELLS.

Mr. CONNOLLY of Iowa with Mr. MERRITT.

Mr. UNDERHILL with Mr. STEENERSON.

Mr. WATKINS with Mr. VARE.
 Mr. BARTLETT with Mr. ANTHONY.
 Mr. ELDER with Mr. WINSLOW.
 Mr. BELL of Georgia with Mr. CALDER.
 Mr. MCGILLICUDDY with Mr. GUERNSEY.
 Mr. SABATH with Mr. SWITZER.
 Mr. GRAHAM of Illinois with Mr. KAHN.
 Mr. BROWN of New York with Mr. AUSTIN.
 Mr. SCULLY with Mr. BROWNING.
 Mr. BURGESS with Mr. BARTHOLDT.
 Mr. BYRNES of South Carolina with Mr. CURRY.
 Mr. CARLIN with Mr. BURKE of Pennsylvania.
 Mr. CONRY with Mr. FAIRCHILD.
 Mr. DOUGHTON with Mr. FESS.
 Mr. ESTOPINAL with Mr. GILLET.
 Mr. FINLEY with Mr. GRAHAM of Pennsylvania.
 Mr. GALLAGHER with Mr. HINDS.
 Mr. GLASS with Mr. SLEMP.
 Mr. HAMLIN with Mr. GRIEST.
 Mr. HARRISON with Mr. KELLEY of Michigan.
 Mr. HAYDEN with Mr. HUGHES of West Virginia.
 Mr. HELM with Mr. KIESS of Pennsylvania.
 Mr. HENSLEY with Mr. J. R. KNOWLAND.
 Mr. HUMPHREYS of Mississippi with Mr. MANAHAN.
 Mr. KEY of Ohio with Mr. LEWIS of Pennsylvania.
 Mr. LEVER with Mr. MOSS of West Virginia.
 Mr. PALMER with Mr. MARTIN.
 Mr. PATTEN of New York with Mr. LINDQUIST.
 Mr. REILLY of Connecticut with Mr. NELSON.
 Mr. SMITH of Maryland with Mr. POWERS.
 Mr. SPARKMAN with Mr. PETERS.
 Mr. TAVENNER with Mr. SHREVE.
 Mr. TUTTLE with Mr. SUTHERLAND.
 Mr. TOWNSEND with Mr. WOODRUFF.
 Mr. WEBB with Mr. VOLSTEAD.
 Mr. WHALEY with Mr. TREADWAY.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors.

Accordingly the House resolved itself into the Committee of the Whole House, with Mr. RAINEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills on the Private Calendar reported from the Committee on Military Affairs. The Clerk will report the first bill.

CAPT. HAROLD L. JACKSON, RETIRED.

The first bill on the Private Calendar reported from the Committee on Military Affairs was the bill (H. R. 4492) to restore Capt. Harold L. Jackson, retired, to the active list of the Army.

The Clerk read the title of the bill.

Mr. MANN. Mr. Chairman, that bill is not in order under the rule. Bills to remove charges of desertion are the only bills on the calendar which are now in order, and I think the first bill of that kind is Calendar No. 385.

The CHAIRMAN. The Chair knows no way by which the Clerk can tell what bill is in order until he reads the bill. The title does not show what a bill is.

Mr. MANN. The title of this bill shows what it is. I have no objection to the bill being read.

FIRST LIEUT. THOMAS J. LEARY.

The next bill on the Private Calendar reported from the Committee on Military Affairs was the bill (H. R. 3960) to correct the lineal and relative rank of First Lieut. Thomas J. Leary, Medical Corps, United States Army.

The Clerk read the title of the bill.

The CHAIRMAN. This bill does not appear to be in order. The Clerk will report the next bill.

STEPHEN MORRIS BARLOW.

The next bill on the Private Calendar reported from the Committee on Military Affairs was the bill (H. R. 9536) for the relief of Stephen Morris Barlow.

The Clerk read the title of the bill.

The CHAIRMAN. This bill does not appear to be in order.

Mr. HOWARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOWARD. Is there no method by which the House can determine what bills are in order under the rule without going through the entire calendar? It occurs to me that it is a useless consumption of time to read all of these bills. It seems that there ought to be some method by which we can determine whether these bills are in order.

The CHAIRMAN. If the chairman of the Committee on Military Affairs knows what bills are in order, the Chair will be

glad to be advised. Otherwise the Chair knows of no way to determine it until the bills are read, at least by title.

Mr. MANN. The proper method would be for the gentleman from Georgia [Mr. HOWARD], a member of the Committee on Military Affairs, performing his function, to call attention to the bills which are in order.

Mr. HOWARD. I would be glad to do so, but I did not want to arrogate to myself authority that I did not have under the rule.

The CHAIRMAN. The Chair will be glad to have the gentleman from Georgia suggest what bills are in order.

Mr. HOWARD. I can tell the Chair what bills are not in order, but I am not familiar with those that are in order.

The CHAIRMAN. Unless the gentleman from Georgia or some other gentleman will suggest to the Chair the first bill in order, the Clerk will report the next bill.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. SHERLEY having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

MAJ. GEORGE A. ARMES, RETIRED.

The committee resumed its session.

The next bill on the Private Calendar reported from the Committee on Military Affairs was the bill (H. R. 15301) authorizing the appointment of Maj. George A. Armes, retired, to the rank and grade of brigadier general on the retired list of the Army without increase of pay.

The Clerk read the title of the bill.

Mr. HOWARD. Mr. Chairman, I make the point of order that that bill is not in order under the rule.

The CHAIRMAN. The point of order is sustained. The Clerk will report the next bill.

CHARLES A. MEYER.

The next business on the Private Calendar reported from the Committee on Military Affairs was the joint resolution (H. J. Res. 237) to authorize the appointment of Charles A. Meyer as a cadet in the United States Military Academy.

The Clerk read the title of the joint resolution.

Mr. HOWARD. Mr. Chairman, I make the point of order that that is not in order under the rule.

The CHAIRMAN. The point of order is sustained. The Clerk will report the next bill.

CAPT. FRANK E. EVANS.

The Clerk read the title of the bill (H. R. 16514) to transfer Capt. Frank E. Evans from the retired to the active list of the Marine Corps.

Mr. HOWARD. Mr. Chairman, I make the point of order that that bill is not in order under the rule.

The CHAIRMAN. The point of order is sustained. The Clerk will report the next bill.

LIEUT. COL. CONSTANTINE MARRAST PERKINS.

The Clerk read the title of the bill (S. 5148) for the reinstatement of Lieut. Col. Constantine Marrast Perkins to the active list of the Marine Corps.

Mr. HOWARD. I make the same point of order, Mr. Chairman.

Mr. STAFFORD. No one can tell from the title. That bill might be in order.

The CHAIRMAN. The point of order is sustained. The Clerk will report the next bill.

CAPT. ARMISTEAD RUST.

The Clerk read the title of the bill (H. R. 2319) to transfer Capt. Armistead Rust from the retired to the active list of the United States Navy.

Mr. HOWARD. I make the point of order that that bill is not in order.

The CHAIRMAN. The point of order is sustained. The Clerk will report the next bill.

CHARLES B. GASKILL.

The Clerk read the title of the bill (H. R. 13329) to place the name of Charles B. Gaskill on the unlimited retired list of the Army.

Mr. HOWARD. Mr. Chairman, I make the point of order that that bill is not in order, and I ask unanimous consent to take up for consideration the first bill on the calendar that would be in order under the rule, which is Private Calendar No. 385. That is a desertion bill.

The CHAIRMAN. The Chair sustains the point of order. The gentleman from Georgia asks unanimous consent to take up Calendar No. 385.

Mr. MANN. How about Calendar No. 322?

Mr. HOWARD. I understand that No. 322 is not a desertion bill.

Mr. BUTLER. How about Calendar No. 321?

Mr. HOWARD. The chairman of the subcommittee having these matters in charge says that it is not a desertion bill, that Calendar No. 385 is a desertion bill, and is the first bill on the Private Calendar that is in order.

Mr. MANN. I tried to tell the gentleman that some time ago.

Mr. HOWARD. I did not hear the gentleman.

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman from Georgia a question about this bill.

Mr. McKELLAR. Under the rule, Mr. Chairman, as I understand it, this bill in relation to Jacob M. Cooper is a desertion case, and I do not think it requires unanimous consent to take it up.

The CHAIRMAN. The Chair understands that the first case in order on the calendar is Calendar No. 385, and that it does not require unanimous consent. The Clerk will report the bill.

Mr. SLAYDEN. Mr. Chairman, I want to ask the gentleman from Tennessee a question about this bill.

Mr. McKELLAR. Which bill?

The CHAIRMAN. Let the Clerk first report the bill.

The Clerk read as follows:

An act (S. 754) for the relief of Jacob M. Cooper.

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Jacob M. Cooper, now a resident of Iowa, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Company C, Twenty-second Regiment United States Infantry, July 18, 1868: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. MANN. Mr. Chairman, I reserve a point of order on the bill. It is not in order.

The CHAIRMAN. The Chair will recognize the gentleman from Georgia.

Mr. HOWARD. Mr. Chairman, the gentleman from Tennessee [Mr. McKELLAR] reported this bill.

The CHAIRMAN. The Chair will recognize the gentleman from Tennessee [Mr. McKELLAR].

Mr. McKELLAR. Mr. Chairman, it strikes me that this bill is in order. It is a Senate bill, and has been reported by the Committee on Military Affairs.

Mr. MANN. Mr. Chairman, I will withdraw the point of order.

Mr. McKELLAR. Does the gentleman from Illinois want to ask any questions?

Mr. MANN. No; I want to discuss it. The bill is not in order, as a matter of fact.

Mr. McKELLAR. Mr. Chairman, this is a bill for the relief of Jacob M. Cooper. It has been passed by the Senate, and the facts are as reported by the War Department, which I will read:

It is shown by the records that Jacob M. Cooper enlisted November 29, 1865, to serve three years, giving his age as 18 years; that he was assigned to Company H, Second Battalion, Thirteenth Infantry, which, in December, 1866, became the Twenty-second Infantry; that he joined the company December 10, 1865; that he was transferred, as a private, to the regimental band, Twenty-second Infantry, December 19, 1867, and thence to Company C, same regiment, March 25, 1868.

Mr. STAFFORD. Can not the gentleman give us a synopsis of the report?

Mr. McKELLAR. I can give it quicker in the manner I am giving it. I want to say to gentlemen that as to these facts the committee passes on a great many of these cases, and it is absolutely impossible for any man to carry all the facts and the dates as to each case in his mind. I do not propose to do it. I have carefully prepared a report upon this case, from which I am reading, and the gentleman can read it also. There are facts and dates in this report which no man can carry in his mind without a reference to the report.

It is further shown by the records that while the soldier was serving in the last-named organization his mother made an affidavit to the effect that he was born September 5, 1850; that he enlisted in the Army without her consent; and that she desired to have him discharged from the military service of the United States.

Mr. HOWARD. Mr. Chairman, if the gentleman will permit me, I make the point of order that this bill, under the rule, is not a charge of desertion, because the man was dishonorably discharged.

The CHAIRMAN. The Chair thinks the point of order made by the gentleman from Georgia comes too late.

Mr. HOWARD. Mr. Chairman, I do not think the advocate of the bill would object.

Mr. McKELLAR. Yes; I think after having gone into it we ought to pass on the bill.

Mr. HOWARD. I make the further point of order that the written rule of the House states unequivocally that a certain

class of bills shall have preference. Now, as soon as it was ascertained that this was not in that class the point of order was made. The reading of the bill shows that it is not a bill which has preference under the rule.

The CHAIRMAN. The difficulty with the position of the gentleman from Georgia is that we have proceeded to debate the bill for a considerable time and the Chair thinks that the point of order comes too late.

Mr. McKELLAR. Upon an investigation of the matter, an order was issued from the War Department, dated June 10, 1868, in which directions were given that the soldier be discharged the service of the United States upon receipt of the order at the place where he was then serving, and the order recited specifically that he was entitled to be discharged only under the provisions of paragraph 1371, Revised Army Regulations of 1863, which reads as follows:

Every enlisted man discharged as a minor, or for other cause involving fraud on his part in the enlistment or discharge by the civil authorities, shall forfeit all pay and allowances due at the time of the discharge and shall not receive any final statements.

The order of June 10, 1868, was duly carried into execution, and the soldier discharged July 19, 1868, in accordance with the terms thereof.

Now, Mr. Chairman, this bill was favorably reported after it had passed the Senate. This man was not dishonorably discharged from the service. As a matter of fact, he has an honorable discharge, but the War Department has put a construction on it that it was not entitled to. The War Department has construed the situation that because the department agreed to a separation from the service after the soldier had served in the Army two years and eight months, that because he was separated in that particular manner, by his own consent and the consent of the department, he was dishonorably discharged from the service, and I do not think that is a fair construction to put upon it.

Mr. SLAYDEN. Will the gentleman yield?

Mr. McKELLAR. Certainly.

Mr. SLAYDEN. Mr. Chairman, I take a special interest in bills of this class.

Mr. McKELLAR. I know the gentleman does.

Mr. SLAYDEN. But not with the same solicitude that my friends have who seek to put unworthy men on the pension roll. I think the gentleman from Tennessee in his statement just now, is in error, because this man was discharged under the law, according to the report that the gentleman himself has just read. The regulation says:

Every enlisted man discharged as a minor, or for other cause involving fraud on his part in the enlistment or discharge by the civil authorities, shall forfeit all pay and allowances due at the time of the discharge and shall not receive any final statements.

Mr. McKELLAR. The gentleman will admit that under the wording of that law this man has not been dishonorably discharged.

Mr. SLAYDEN. The gentleman from Tennessee says that he was discharged because of no fault of his own. The young man evidently swore to a falsehood when he enlisted.

Mr. McKELLAR. That is entirely true.

Mr. SLAYDEN. That was his fault.

Mr. McKELLAR. That was his fault, and the committee may be wrong to that extent. But the gentleman is wrong in the other proposition, and that is this: That under the law this man was not dishonorably discharged, and the War Department has no right, in the opinion of the committee, to dishonorably discharge him when he ought to be entitled to all benefits of an honorable discharge.

Mr. SLAYDEN. Will the gentleman permit another question?

Mr. McKELLAR. Certainly.

Mr. SLAYDEN. Is a soldier who is discharged because he entered by fraud, which fraud was the taking of a false oath, entitled to an honorable discharge?

Mr. McKELLAR. I will say this to the gentleman, that I know cases where boys have gone into the Army under a false statement as to their age, where they made just as honorable soldiers as ever fought for their country, and they ought to have an honorable discharge. Many of them have it now.

Mr. SLAYDEN. The gentleman knows that there were no extraordinary conditions at the time of this enlistment. The war was over. His service began—

Mr. McKELLAR. Just before the close of the war. The war did not officially close till 1866.

Mr. SLAYDEN. Oh, no; just after the war. His enlistment began in November, 1865, according to this statement, and my recollection is that the Confederacy collapsed in April, 1865, so that it was some months after the war was over.

Mr. McKELLAR. I do not recall the date.

Mr. SLAYDEN. He performed no specially heroic service, I fancy, for the Government; but he went into it on a false statement as to his age, and he got out because his mother entered that plea and had him discharged as a minor.

Mr. GOULDEN. How old was this soldier at the time of his enlistment?

Mr. McKELLAR. About 18 years.

Mr. GOULDEN. The gentleman knows, as do many others, that it was no uncommon thing during the Civil War for young men—boys, in fact—to volunteer and make misstatements about their age, and I think it never ought to be held against them. It was a patriotic mistake, and should be rewarded.

Mr. McKELLAR. Mr. Chairman, I will say to the gentleman that they did it on both sides of that conflict, and those gentlemen who did it, who are still living, whether Confederate or Federal, now point back to their records with the greatest pride for having done that very thing.

Mr. GREENE of Vermont. Is it not very clear in this case that this young man was not actuated by any patriotic purpose to serve his country in time of war, because the war had been over for about six months?

Mr. McKELLAR. He went into the Army of the United States for any war.

Mr. GREENE of Vermont. Oh, no. What I am getting at is this—

Mr. McKELLAR. Whenever a man enlists in the Army he enters the service of his country, and it is either for a patriotic purpose or for the purpose of getting money.

Mr. GREENE of Vermont. The gentleman would not hold that an enlistment in time of peace, if it were fraudulently made, should have thrown about it afterwards any such excusing or condoning circumstance as might be easily suggested from a patriotic spirit aroused in the excitement of war time.

Mr. McKELLAR. But the gentleman, of course, knows that the law provides what the penalty is for making that kind of enlistment. It is to forfeit his pay, and it is not to be dishonorably discharged. The law does not require that. When the War Department ruled that way, under the law of 1863, they made an error, and that is all there is to it.

Mr. GREENE of Vermont. It is practically a discharge without honor, is it not?

Mr. McKELLAR. No. They construe it to be a discharge without honor; but, as a matter of fact, it is not a discharge without honor, in my judgment, or I would not have reported this bill.

Mr. GREENE of Vermont. And they have construed it as a discharge without honor for half a century, and every soldier who enlists in the Army to-day knows that if he gets in by fraud, and then gets out, he will be discharged without honor, and if we do not hold to the law somewhere, we will be letting all such people get in and out at any time at pleasure.

Mr. McKELLAR. Mr. Chairman, I yield now to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Chairman, I call the attention of the House to the following letter from Mr. C. S. Barrett, president of the National Farmers' Union:

"As national president of the farmers' union, I feel it my imperative duty, in the presence of a great crisis, to give to the public an expression, not only of my own opinion, but that of the great national convention of the farmers' union which has just adjourned its annual convention, held at Fort Worth, Tex.

"The sorrowful and destructive war in Europe has had, in a business sense, a most disastrous effect upon the producers of the United States. We are but at the beginning of that war. No living man can safely predict how long it will last, and therefore none of us can foresee just how soon this unintentional embargo upon our foreign trade will continue. Naturally the destruction in Europe will make a demand for our superfluous foodstuffs just as soon as shipping facilities can be provided for getting these foodstuffs to the hungry millions of Europe.

"With our great staple—cotton—the situation is different. Europe takes an average of 60 per cent of the cotton crop. The demand from Europe has absolutely ceased, with no immediate prospect of a renewal of that demand. It is possible that England may take a reduced amount, but it is very certain that the amount which England can use, when engaged in a life and death struggle, will be greatly reduced.

"As I see it, and this is also the opinion of my colleagues, probably 50 per cent of the cotton crop will be unsalable during the present cotton season at any price whatsoever, and this will mean that the other half will be sold at a price far below the cost of production.

"A GRAVE SITUATION.

"I have never been a pessimist—my temperament rather leading me to the opposite view—but we are confronted to-day with a situation so grave that it would be worse than criminal

for me to minimize this situation or to fail in setting it forth plainly.

"Numerous voluntary efforts are being made hastily by many of our splendid citizens, who have the best of intentions and who want to relieve the situation. These efforts, however well meaning and however worthy of our regard, will of necessity fail. One and all of them, when narrowed down, means that the people of the cotton belt must, out of their own resources, invest at least \$400,000,000 in cotton with the prospect of holding it one year. While there are a large number of people in the cotton belt who could buy and hold some cotton one year as an inactive investment, the mere statement of the fact, which is true, that it will require \$400,000,000 proves the utter impossibility of the cotton belt, out of its own resources, putting this immense sum of money into an inactive investment.

"Since 1873 we have had several panics in this country. In each case the financial equilibrium has been chiefly restored by our exports of cotton, which established our foreign credit and brought to us immense stores of gold. It is by far the largest single item in our foreign trade. It is, indeed, our main reliance for keeping us in a healthy financial condition, and from becoming too deeply indebted to other nations. It is the rock upon which rests all the prosperity of one-third of our country and nearly one-third of our population.

"TIME FOR DEEDS—NOT WORDS.

"All men are fond of recognizing in speech the service of the farmer who clothes and feeds humanity, but the time has now come when this friendly expression must be concretized into the deed. It is absolutely true that the situation is so urgent and the sum needed so great that no other power in this country, except the Government, can get adequate action quickly enough to save the farmers, who are losing every day millions of dollars.

"In the strong interdependence which exists between all classes the farmer, when he goes to destruction, will not go alone. The merchant and the country banker, the doctor and the fertilizer man, to all of whom he owes money, will share his fortunes. The wholesaler and the manufacturer and the big banker, to whom the country merchants and the country bankers owe money, will share his fortunes. If the cataclysm must come, it is not going to be merely a farmers' cataclysm.

"If the farmer had been to blame for this situation by his neglect of sound economic principles and his determination to raise more stuff than the world needs he would deserve no sympathy. But this he has not done. For several years past the world has taken our entire supply of cotton at a fair price, and the present crop is only normal. But for the unforeseen complications brought about by the European war the farmer would have obtained his usual fair price and the country would have prospered.

"The tobacco farmer is in no better condition than the cotton farmer. Indeed, some say that his situation is worse, if that be possible. This brings us to the one practical remedy. The strength and credit of the people's Government must be utilized for the protection of one-third of the people who are facing the destruction of their material interests.

"CONGRESS MUST ACT.

"In such an emergency, if the Congress of our country is not willing to use the governmental power for the salvation of the people, there is something radically wrong with the Congress.

"Bear in mind that this cotton crop is intrinsically worth at least the 12½ cents per pound which it has averaged for the last few years, for it has no substitute on earth. All the linen, all the wool, all the silk goods on earth would not clothe one-half of the people. Cotton is the mainstay of the world when it comes to clothing. For all food products one could find a substitute. For cotton there is no substitute.

"Governmental help, therefore, would not mean that Government was giving anything to anybody, but merely that Government was tiding over these people in an emergency and would get its money back with interest. Government has helped a great many other interests, without getting its money back. It has helped the manufacturers with a protective tariff for many years. It has helped the bankers with favorable legislation for many years. It has helped the railroads by giving them untold millions of acres of land. When this war broke out and there were two or three hundred thousand Americans in Europe, without a moment's delay it found ships and gold to send to Europe and bring them back, without any regard as to whether the money was ever repaid or not. It has spent \$400,000,000 to build the Panama Canal for the benefit of the world's commerce. It is about to spend \$35,000,000 to build a railroad in Alaska, which has a total population of 65,000, for the development of Alaska. * * * When a good many thou-

sand Mexican soldiers, with their women, refugeeed across the Rio Grande. Government interned them for many months in this country and spent a very large sum of money to keep them in comfort, which money it has not the remotest prospect of ever collecting. It has found money, apparently, for everything and everybody except the producers of the country, and the producers have heretofore asked nothing. Now they ask that their Government, which can be so liberal in every other direction, will come to their relief without risk or loss. For the first bale of cotton that our Government buys at a fair price would fix the price of the whole crop and insure our farmers safety.

"ASK NOTHING BUT JUSTICE.

"In the present situation, I and those who agree with me do not approach the Government as mendicants, but as men who have had a large share in the making of this country, whose services have been of enormous value to all the people, and we feel that we are but asking elementary justice when we ask the Government to stand by us in a crisis which is not of our making, and when we know that the Government does not risk the loss of a single penny in so doing.

"The demand is so urgent that we feel entitled to as prompt action on the part of Congress as the Congress gave when it was appropriating money and ordering out ships to bring American refugees from Europe, and these refugees, who were primarily pleasure seekers, would never have been able to take their pleasures in Europe but for the labors of the men who are now confronted with such tremendous loss.

"Representative BOB HENRY, of Texas, has introduced into the lower House of Congress a bill which will save the day. But the Congress has already plainly indicated that it will do nothing unless pressure is brought to bear upon it; and the purpose of this letter is to ask that every farmer and every true friend of the farmer who reads this will sit him down instantly and write to his Congressmen and his Senators, demanding the instant passage of this bill. If the Senators and Congressmen can be made to feel that the farmers and their friends in this country demand this action, they will get it, and until they are made to feel that way they will not move.

"I most earnestly, therefore, urge upon you the necessity of instant action if you feel, as I do, the importance of saving the business situation in this Republic.

"C. S. BARRETT,

"National President Farmers' Union."

I further call the attention of the House to the following letter from Mr. W. S. Witham, together with an article from the Atlanta Constitution, to which he refers:

"ATLANTA, GA., September 8, 1914.

"MY DEAR SIR: Referring to the inclosed editorial from today's Atlanta Constitution I wish to say:

"First. None of the cotton States, or cotton States governors, so far as I know, have done anything to help the situation in their own immediate territory, except one governor, who called a meeting of the governors in Atlanta, which, however, has been called off for lack of cooperation.

"Washington has done nobly. Now, but two things remain for the United States Government to do if possible.

"First. Establish a foreign exchange, so that we can sell our cotton drafts, just as New York is now selling wheat drafts. How, I do not know. There is a way, and I hope you will find it. New York has tried and failed.

"Second. Get the ships ready to load with cotton and we will then have a limited foreign market.

"The Government money intended for the farmer travels by such a long, round-about, expensive, red-tape way that few, if any, farmers have received it.

"The State banks do not wish to issue money, but they do want to be distributors of the public money. The money leaves Washington and goes to a national bank at 3 per cent rate. Then it goes to a State bank at 6 per cent rate, and from the State bank it reaches the farmer at 8 per cent or more. Thus the farmer pays all of the accumulated charges and expenses which would be saved by removing at least one of the 'middle men.' The Government wants the indorsement of the national bank. The indorsement of the State bank is just as good. If the money went to the State bank at 3 per cent, they would deliver it to the farmer at not exceeding 4 or 5 per cent, covering express charges and other absolutely necessary expenses. I wish such a plan could be worked out, since the farmer is the 'real beneficiary.'

"Unless the United States Government, or the cotton States, through legislatures, can by law curtail the crop of 1915, then the banks do not want the money and will not become indorser

for the Government, assuming all the risk without the protection of a curtailed crop.

"If raising the import duty on Egyptian and other foreign countries would do any good, put it through. Banks are not going to take the chance of an early closing of the war without a legal curtail of the crop.

"Yours, truly,

"W. S. WITHAM."

"TIME FOR WASHINGTON TO ACT OR TELL PEOPLE TO LOOK ELSEWHERE.

"In the face of the temporary closing of foreign cotton markets the South is facing the greatest crisis since the Civil War.

"That is not a call to pessimism, but it equally is not an invitation to apathy or futile mouthing on part of the responsible leaders of to-day.

"Apropos—

"Since the closing of the ocean lanes to merchant marine Congress, and especially the southern contingent having to do with the cotton States, has pyramided promise upon promise to the southern farmer and the southern business man.

"We have been told there was more than \$150,000,000 currency available under the Vreeland-Aldrich Act for the protection of distress cotton, for the prevention of anything approaching a collapse of the southern financial structure, which still depends so largely upon cotton as its mainstay.

"Right and left the obfuscation from Congress to the farmer has been, 'Don't worry. Keep cool. We'll take care of you. Don't sacrifice your cotton. It is only a question of a few days. And plans are now being rapidly perfected.'

"That cry has become stale.

"Weeks have elapsed.

"Cotton is crowding into the buying centers.

"Buying is irregular, freakish, or nonexistent.

"Worst of all is the uncertainty.

"The southern farmer and the southern business man who is so largely dependent upon the farmer do not know what to expect from Congress.

"They have been given hypodermic after hypodermic of hope and reassurance from those who sit in the seats of the mighty.

"But, so far as anything tangible is concerned, the farmer and the business man are no better off than when European and American exchanges closed summarily and they were thrown back upon their own resources.

"This is unfair. This is bad faith. And it is bad politics for those concerned in it. The farmers and business men of the South have long memories. They are not going to forget the men who made promises in a desperate emergency and then apparently sat down and twiddled their thumbs in impotency or indifference.

"There will be a substantial margin of the incoming crop that American mills, conceding even an abnormal increase in demands upon their products, will not be able to absorb.

"That margin must in some manner be protected until matters readjust themselves.

"In the meantime, and with markets closed, cotton is stagnant.

"The innumerable factors nearly and remotely affected by cotton are marking time.

"Christmas is approaching.

"The need of the South is money, actual currency, with which to meet obligations of the more imperative kind, with which to subsist, if you want the plain truth.

"And with this shadow brooding over the entire South Congress promises and promises; caucus after caucus is held first by the Senate and then by House Democrats; honeyed and stimulating phrases are handed out by the yard and by the minute—

"All without definite action.

"There seems to be plenty of Government money available for other purposes not half so urgent as that of the Nation's leading export crop in distress.

"Southern Senators and Representatives, as shown by a Constitution correspondent, are quick enough to valorize silver.

"They are ready enough to vote huge sums to bring back refugees from Europe, to take care of interned Mexicans, to get panicky Americans out of Europe.

"But when it comes to extending vital, life-blood aid to a crop upon which millions of Americans and their business fabric depends, there is either inability or outright deception. There is no alternative between these two viewpoints.

"Either Congress is able to and intends to aid southern cotton or it is unable to do so and does not intend to make an earnest effort.

"The situation offers no other interpretation.

"Either the professions of undying devotion to their farmer constituents on part of southern Congressmen are buncombe for home consumption or the statesmanship of our day is unequal to an epochal emergency.

"To which of these counts is Congress, southern Congressmen especially, going to plead?

"The plan to evangelize individuals into valorizing cotton is well enough as far as it goes, but it can not go far enough. But it merits the help of every man who is able to buy a bale of cotton, for every little counts.

"Aid, to be effectual, must come from a central source and must be general.

"Among other soothing-syrup prescriptions, we have been told that New York and Washington will cooperate in financing cotton.

"If they will cooperate, all right.

"But in the name of heaven, let something be done.

"Let us know where we stand.

"Let us know if we are to expect a life rope or indifference while the man in the water works out his own salvation.

"If cotton is to be made collateral for loans from the banks, let us know that, and quickly, and let the currency which has been so volubly promised be forwarded to the banks.

"That is the most practical solution.

"Cotton is not a cold-storage product. Age does not affect it. Cotton stored to-day is better for spinning when a year old than now.

"The world, eventually, is going to want and demand every pound of cotton the South this year produces, and at a good price.

"But the world is now in no position to buy or spin cotton.

"Until these abnormal obstacles are removed it is incumbent upon either the statesmanship of the Nation or the resourcefulness of the southern people to rise to an emergency that is not likely to recur in world history.

"If a Government, rich and powerful, is helpless at times like these, in the name of common sense, what is that Government really for? If it runs along smooth enough when the channel is smooth, then ships water and flounders when the channel is a trifle rough, what sort of statesmanship is driving it? If it can find relief from the Treasury for a dozen sources—for all save the crop that is the dependence of a people; if it can find money for philanthropic or pork-barrel projects, and reject what is merely an emergency loan amply secured—what are its people to think of it?

"Congress must in a few days find the answer to these questions.

"Time presses!

"The situation grows worse by the hour.

"The South is entitled to know whether the promises of Congress are empty and demagogic pretext or whether they are genuine.

"The South is entitled to know whether it can depend upon the Government for temporary aid or whether it must make other arrangements.

"It comes down to this—

"Congress is on trial, not only before the South but before the Nation.

"Its opportunity for service is unique.

"If it does not grasp that opportunity, the confession of weakness will be unique in all American history.

"We have enough talk from Washington—it is now time to act."

"I do not present the bill indorsed by Mr. HENRY of Texas, referred to in Mr. Barrett's letter, because it is available to any Member who desires to secure and read it. Without indorsing or discussing all the detailed statements in these various documents, I present them to the House on account of the great importance of the subject. We are not only facing a great emergency—local, personal, and national—but we are in the very jaws of irreparable disaster. Almost all other commodities in the country, in so far as they are affected by the appalling conditions abroad, are enhanced in price. The millions of producers in Europe have laid aside the instruments of production and taken up the weapons of destruction. Having ceased to produce, their sustenance makes a greater drain upon our production; and they have to be fed, though their clothing is less important. All the metal and combustible materials, being subjected to greater demand, are also increased in price. Cotton alone, which furnishes the clothing for the world and the balance of trade for our entire people, has suddenly received a stunning blow, which has in 30 days reduced its price one-half, which, unless averted by immediate heroic remedies, will destroy the debt-paying and purchasing capacity of nine-tenths of those who produce the cotton and administer a staggering

blow to the financial stability of all the commercial interests which make up the superstructure of our business and social system.

The mills in France, Germany, and Russia have ceased to operate by virtue of war conditions, and the mills in England, being unable to take and use the entire 60 or 65 per cent of our cotton crop usually exported, the immediate demand has been reduced by 60 or 65 per cent. The producers being unable to hold their crops, so much of it being distress cotton demanded instantly on their debts, and those above in the commercial scale being unable to indulge them without liberal payments on their debts, there must be a corresponding loss of 60 or 65 per cent to the producers, which would not only take away all profits, but cause the net result to fall far short of paying the expense of production.

A great many remedies are suggested in this time of spasmodic, almost hysterical discussion and suggestion, the utilization of which time does not permit. They are things which I have advocated all my life, and not only advocated, but supported by practice. One is the use of cotton for every conceivable purpose which would locate the demand at home instead of abroad. Another is the production of all supplies and necessities as a prime consideration, making cotton a surplus crop, so that the producer would be able to hold or sell at his own volition. Another is ample construction of bonded warehouses, in which the owners of cotton may hold, insure, and control their cotton until prices justify the sale. Another is local cooperation, by which those who are able could relieve those who are not able and take and hold the distress cotton. If that were universally and promptly indulged, it would go far to help the situation.

A certain and effectual remedy would be for all banks in concert in the cotton States simultaneously to announce that they would lend money on cotton baled and insured at a minimum price, and it would not matter what the price was. If all the banks would lend money at a minimum price of 10 or 12 cents per pound, there would never be another pound sold for less. But how are you going to get the banks to agree to that? They just will not do it, and there is no way to make them do it unless the Government, in providing them with funds, shall not only authorize but also require them to do it.

Another thing that would enrich the South, and thereby enrich the entire country, would be to erect enough cotton factories in this country to spin all the cotton crop. That ought to be done; but capital must be found to do that; and that can not be done in this emergency, nor would the results materialize in time to relieve this emergency. That ought to be done; and in order to encourage capital and make the projects attractive all cotton-mill machinery, dyestuffs, and everything used in the manufacture of cotton ought to be put on the free list; but that is a matter for permanent improvement and prosperity. The present crisis demands instantaneous action, and any other relief save immediate relief will be abortive.

I have examined the Henry bill. It may not be necessary for the Government to buy the cotton outright, as therein proposed. I am not a financier, I am not on the Committee on Banking and Currency. I have such a strict regard for parliamentary discipline and decorum that I never even offer amendments to bills presented by other committees. I find it impossible, with all my industry and limited ability, to take care of the affairs referred to my own committee; but I do implore the distinguished statesmen charged with the financial legislation of the Government to give further and immediate consideration to this subject. Delay will be ruinous. Thirty days at this time, the period of cotton gathering and cotton selling and cotton sacrificing, will bankrupt a large majority of all the cotton producers in the South, with consequent appalling effect upon the other interests and industries, all of which depend on cotton. Furthermore, the balance of trade in our favor will be destroyed and we will owe the balance of the world several hundred millions of dollars instead of receiving and retaining that much of their gold on our side of the balance sheet.

The crux of the situation is this: When the Government is providing money it ought to put the money where it is needed right now. To furnish the big banks with a billion dollars at 3 per cent and let them dole it out to the little banks on short time at 6 per cent and let them dole it out to the cotton producers on short time at 8 or 9 per cent is a mockery and insult and a ruinous injury to all the South and to our whole country.

I realize that the Treasury can not deal by retail separately with each of the 13,000,000 bales of the cotton crop, but means can be devised, as suggested in the Henry bill, by which there can be collocations of large quantities of cotton; means can be devised by financial experts sitting here as legislators

to enable the Treasury to furnish to the producers of cotton money at a low rate of interest, taking as security therefor cotton tickets for insured cotton, which is the best security in the world, but three or four months' time is a delusion and a snare—it is worse than a mockery; it is cruel; it is tragic. The producers of cotton ought to be furnished the money on long enough time to enable them to profit by the readjustment of conditions which will inevitably come, probably not in three or four months, but it is said nobody knows the value of a pound of cotton. Neither does anybody know the value of a dollar; it is the most uncertain thing in the world. It has no value except as measured by the value and nature of the necessities which it may buy. Cotton is one of the products which by the inexorable trend of unlooked for events is now reduced to a low price; but if the banks, as I stated a while ago, would in concert fix a minimum price security that would arrest the further decrease in price; or if this Government will provide that it will lend money to the producers of cotton on a basis of 10 or 12 cents per pound, and continue or extend the loans until the market goes above that price, the price would never go below the amount so recognized by the Government in such loans.

Discordant and unorganized efforts of a people distracted by the near approach of certain disaster can not relieve the situation. Doubtless a great many other men will do as I am doing, take care of a cropper's half of the cotton produced; that is what I am doing. I have notified my cropper that I shall pay him for his half of the crop and shall hold his half for him if he will raise corn, peas, wheat, and pigs next year, because up to 10 cents per pound he can hold that cotton raised this year cheaper than he can raise another crop of cotton to take its place next year, but that practice will not become general and can not on short notice.

I believe the only thing to do, and in preference to everything else we ought to stop and do that, is to provide at once to prevent our greatest national asset from going for nothing at this time and ruining the people who produced it and on whom the world must rely to produce its clothing in the future. I feel sure that it will be done in no other way than by action of the Federal Government. Piling up money in the banks or offering it through the Federal Reserve Board, as proposed, will not put the money where it is needed in time to avert disaster. If instead of saying that banks may loan money on cotton tickets for three or four months the Secretary of the Treasury were authorized to require the banks to lend emergency currency, the currency furnished by the Government to prevent panics, on time long enough at rate of interest low enough, and based on a price of cotton high enough to relieve the situation and avert impending ruin to cotton growers of the South, and to the balance of trade which makes this Republic financially independent among the nations, our duty would be done and nothing short of that on our part will discharge our obligation to the people.

Mr. McKELLAR. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, I desire to correct an impression at the very outset which my friend from New York [Mr. GOULDEN] seems to be laboring under, and that is that this young man enlisted during the Civil War. He enlisted on November 29, 1865, and there was just one month and one day remaining of the year 1865. The Confederacy had collapsed, as I said, in April, 1865, and as was pertinently suggested a moment ago, there can not be thrown around this enlistment any halo of heroism inspired or commanded by conditions of war. The young man enlisted under conditions that were dishonorable. He was discharged because of that fact. You may juggle with words all you please, but I do not see how that can possibly be construed into an honorable discharge; and I think that the officers in the War Department, who are familiar with the law and with the conditions surrounding enlistments such as this, who have had brought to their attention thousands of cases, are better judges of the spirit in which they should be entertained, and of the reasons which controlled the young man in getting into the Army, and certainly the reasons which are of record for his getting out.

But, Mr. Chairman, I was going to make just a few general observations on the tendency to pad the pension roll—which, God knows, is already swollen beyond all reason—by incorporating on the roll of men who did serve with honor all deserters and people of that kind.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. McKELLAR. Is not that a relative proposition? Does the gentleman mean to say that a man who comes here and sits here in his chair every day religiously and saves his \$20 per day, and does not do much else, is entitled to more honor or

more credit as a Member of this House than a man who comes to Washington and fights for the legislation that he believes is right, who does his duty by his constituents and by the House and by the country, but who is occasionally absent from his seat?

Now, that is about the way with many of these cases. I will say to the gentleman, and I will yield him more time, that I have the same sort of notion about padding the pension rolls that he has. I do not believe in this pension system, and think we have gone entirely too far along that line. I do not believe it ought to be done, but I do not think that where a man has served his country faithfully and honorably he should be kept out of a pension simply because of peccadilloes committed while in the service. Many of these soldiers whose records I have examined have made the best kind of soldiers; numbers of them have been wounded in the defense of their country and in their country's service, and simply because of an accident in the record—of being absent occasionally when the roll was called, as a lot of Members were wont to be prior to the recent order—I do not think under those circumstances that they ought to be kept out of the benefits that usually arise from an honorable discharge. Many of them were young boys at the time, as has been suggested, and I think they are entitled to fair and honest treatment, and I shall always give them that when I have to pass on their records. If the gentleman will permit me to say, holding, as I do, the same views as the gentleman has on the general subject of pensions, many of these men are very much more entitled to be on the pension rolls, who actually fought, than some of those who are now on the pension rolls for having warmed their seats by answering every roll call.

Mr. SLAYDEN. Mr. Chairman, if I have been able to keep the two thoughts of the gentleman clear in my mind, I think I can safely answer yes; but I do not think it has anything more to do with the question I am discussing than the flowers that bloom in the spring. This man committed an offense which—and if I know the meaning of the word "peccadillo," it means little sins—falls within the category of perjury when he enlisted, and I think that goes into the class of greater offenses. But I dare say that this man will have the doors of the Treasury thrown open to him, although his service was not distinguished. It was not during a period when men were severely tried, when there was great hardship and peril, but altogether after the war was over. I do not think he is entitled to any such consideration, but I dare say he will get it. But what I was going to say is this: That we are confronted right now with the necessity of enacting new tax laws, and the President has told us, and the figures put out daily by the Treasury Department establish the fact beyond doubt, that the revenues of the Government are wholly inadequate to meet its expenses. We have to tax the people more and we ought to begin to practice economy. I read an editorial in a New York paper this morning stating that instead of levying new taxes, Congress would do well to cut down the expenses of the Government. It could be done by wise and economic administration of the affairs of this Government, and we could get along—

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLAYDEN. Mr. Chairman, I would like to have a couple of minutes more.

Mr. McKELLAR. I yield two minutes additional to the gentleman.

Mr. SLAYDEN. By wise and careful administration of the affairs of this Government we could get along with two or three hundred million dollars less revenue than we now employ in the affairs of the Government. [Applause.] Mr. Chairman, if we are to practice economy, now is the time to begin it, and certainly we can afford to begin, even in this small way, by closing the doors of the Treasury to unworthy soldiers who were discharged without honor. If the gentleman wants the technical difference between discharge with honor and discharge without honor, he may look in the records of his committee and find numberless instances. Certainly a man who enlisted by perjuring himself is not entitled to a discharge with honor, although he may not have been given, technically and actually, a discharge without honor. Now is the time and here is the occasion for the beginning of the practice of economy, and I hope that the Committee on Military Affairs, which has charge of bills of this class, will object and not report such bills that are usually unworthy.

Mr. McKELLAR. Will the gentleman yield?

Mr. SLAYDEN. Certainly, although my time is out.

Mr. McKELLAR. I will yield the gentleman another minute to answer the question. Does the gentleman have any idea how many Union soldiers there are now on the pension rolls who perjured themselves in making statements concerning their ages when they went into the Army?

Mr. SLAYDEN. I hope not many.

Mr. McKELLAR. There are a great many.

Mr. SLAYDEN. I do not know, but I hope not many.

Mr. McKELLAR. I am informed a very large per cent of the young men who went into the Army had to take the necessary oath in order to get there, and they are now drawing pensions from the Government. It is only in a case where the point was made—

Mr. SLAYDEN. Mr. Chairman, I insist that the gentleman is unfair in classing those men who did it in the Civil War period with those who enlisted afterwards in a spirit of adventure. [Applause.]

Mr. McKELLAR. I yield the floor now, Mr. Chairman. I reserve the balance of my time.

Mr. MANN. Mr. Chairman, I shall not detain the committee very long. I have great sympathy with any boy who makes a mistake; for that matter, for any man or woman who makes a mistake. But if there ever was a time when the people ought to understand that men in the Army are under orders, and can not do as they please, it is just now, when there is a great war in progress over in Europe.

Supposing the Germans or French or British Army now in conflict went on the theory that if a man got tired of service he could just melt away. Most people would get tired just before they went into battle. They are human beings. It is not often that a man is anxious to be killed. There may be times when he is so enthusiastic that he wants to be. But you can not maintain an army without discipline. It is true, after these many years since the Civil War, that we are rather lenient about removing charges of desertion which lie against young fellows who were in the Army and who got homesick and went home, especially if they had served in the Army for a while. When I first came into the House, we used to have a frequent recital of stories about "coffee coolers" and others to whom terms of that kind were applied, which I do not now recall—

Mr. McKELLAR. Bounty jumpers, and so on.

Mr. MANN. Yes; bounty jumpers; men who were seeking to have charges of desertion removed, and we have a number of bills reported in this Congress in behalf of men who deserted from one regiment and immediately entered the service in another regiment, or went from the Army to the Navy, where they received a bounty. In some cases they deserted the second time, and still we remove the charge of desertion.

The gentleman from Tennessee [Mr. McKELLAR], coming from one of the Southern States, and the chairman of the subcommittee of the Committee on Military Affairs dealing with this class of cases, naturally desires to be somewhat lenient and generous. I have great respect for him, for his motives and for his acts, but I sometimes think he makes a mistake in respect to some of these bills.

Here is a Senate bill now before us, not growing out of the Civil War, where a young man enlisted in the Army after the war was over—enlisted for a period of three years—served most of his time, and then got his mother to put up a plea that he was a minor, and he received a discharge from the Army—not an honorable discharge, not a discharge without honor, but a plain discharge, and he forfeited his pay and allowances. This bill proposes to give him an honorable discharge and give him his pay and the allowances that would have been due him at that time.

Well, every day young men enlist in the Army now who are under age. We have had several combats in the House here about the terms upon which minors might enlist in the Army and the Navy, and the terms upon which they might be discharged.

I am opposed myself to permitting these minors to enlist in the Army or Navy unless it is certain that they have the consent of their parents or guardians. [Applause.] The law now provides for that. When one of them enlists in the Army now he takes the oath that he is of age, or else he produces a certificate from his guardian or parents; and yet, although he takes the oath that he is of age, if you show afterwards that he made a false affidavit, he will receive his discharge now. But it is a plain discharge, not an honorable discharge.

Now, those cases arise by thousands in the course of the years. Since I have been a Member of the House I have had a great many such cases brought to my attention where minors had enlisted in the Army or the Navy without the consent of their parents, making the oath that they were of age, and then the parents afterwards called attention to the fact that the statements were incorrect and that the young men were not of age, and the authorities have to discharge them. But they are discharged without receiving an honorable discharge.

This is one of those cases. There are thousands upon thousands of them where the boys have been glad to get out of the Army, and it has not been intended to pay them a pension. They knew what the situation was. Their parents knew what the situation was, that if they were discharged on account of minority they would receive a plain discharge, and not an honorable discharge, and that they would never be entitled to a pension.

This case arose after the Civil War. The boy concerned enlisted in the latter part of November, 1865, and was not discharged until more than two years thereafter. He was discharged in 1868, and he received a plain discharge and forfeited pay and allowances. Now, what excuse can be given, except it be made a pure case of charity and generosity, for saying now that he received an honorable discharge? He did not. He was not entitled to an honorable discharge. He preferred to get out of the Army. His mother waited until he had served, I think, two years and eight months before she asked to have him discharged.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes; I yield.

Mr. McKELLAR. Does the gentleman understand that this soldier gets a pension under this bill?

Mr. MANN. I do not understand that he gets a pension under this bill, but the purpose of the bill is to permit him to receive a pension.

Mr. McKELLAR. If a law should be passed allowing soldiers of that class to receive it, yes. The gentleman has mentioned the fact of the cost at this particular time, and so did the gentleman from Texas [Mr. SLAYDEN]. As I understand it, no pension goes to this ex-soldier under the terms of this bill. It is only to correct his record and give him an honorable discharge.

Mr. LANGLEY. Mr. Chairman, if the gentleman will pardon me, I wish to say that if it should be proved that he contracted disabilities in the service he would be pensionable under the general law.

Mr. MANN. Let us see. The gentleman from Tennessee [Mr. McKELLAR] says the purpose of this bill is not to give this man a pension. The bill says—

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Jacob M. Cooper, now a resident of Iowa, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Company C, Twenty-second Regiment United States Infantry, July 18, 1868: Provided, That no pension shall accrue prior to the passage of this act.

Now, if the purpose is not to get a pension, what is the purpose?

Mr. McKELLAR. As I stated to the gentleman, my understanding of the law is now that this man would not be on a pensionable status even if he had an honorable discharge. But the purpose of this bill on its face—what the purpose is behind it I do not know—is to put this man on the basis of having had an honorable discharge from the Army, to which our committee thinks he is entitled. It does not give him a pension at all.

Mr. MANN. The purpose of the bill is to give him an honorable discharge, so far as the administration of the pension laws is concerned, that he shall be considered to have been honorably discharged so far as the pension laws are concerned.

Mr. McKELLAR. I will call the gentleman's attention to this further fact. We have had it up and discussed it before, and I know that the gentleman remembers it, that our committee had a form of a bill which was furnished to us by the War Department. The War Department say that even if Congress directs them to change the record, they can not do it. This is the form of the bill that was given to the committee by the department, and it has been approved by our committee, and that is why it takes this form. Now, I do not know the ultimate object of the bill.

Mr. MANN. Let us see. Here the gentleman from Tennessee [Mr. McKELLAR] now says that the purpose of the bill is not what it says it is, but something else. We did pass bills to remove charges of desertion when I first came to Congress, and the purpose of removing the charge of desertion was that the man might make an application for a pension. We removed the charge of desertion and granted an honorable discharge. The pension laws require that an applicant must have an honorable discharge from each service before he can get a pension. Afterwards the President vetoed such bills; but the purpose of the bills all the time has been to grant a pension. If that is not the purpose of this bill, what is it?

Mr. GARD. Is not the purpose of this bill to place the applicant in a pensionable status, or at least to allow him to enter a soldiers' home in time of distress or need?

Mr. MANN. The gentleman from Tennessee [Mr. McKellar] says that is not the purpose of the bill. I understood the gentleman from Kentucky [Mr. Langley] to say that was not the purpose of the bill.

Mr. LANGLEY. How is that?

Mr. MANN. It is said that it is not the purpose to allow the man to get a pension. In fact I doubt whether he could get a pension under the law. But what is the purpose of the bill? Is it to get him back pay?

Mr. SMITH of Idaho. I think the purpose of the bill is to admit him to a soldiers' home, because he could not get a pension unless he proved that he incurred disability through his service.

Mr. HOWARD. Will the gentleman from Illinois please give his opinion as to what is the effect of this bill?

Mr. MANN. The only effect that I can see at present is that it is receiving the attention of a small number of Members of the House.

Mr. HOWARD. In the event that there were a large number here, what would be the effect of it? Would it not be to put him in a pensionable status?

Mr. MANN. If it does anything at all, it gives him a pensionable status. If it does not do anything, what is the bill for? The man is not entitled to an honorable discharge.

Mr. HAY. Can not the gentleman conceive of a case where a man has been dishonorably discharged from the Army, or discharged without receiving an honorable discharge, desiring to have his record corrected, in order that that stigma may be taken from him, without any desire to receive any pension?

Mr. MANN. I can conceive of such a case.

Mr. HAY. I do not know whether this is one of these cases, but there are such cases.

Mr. MANN. I have no doubt such cases exist.

Mr. McKellar. I do not recall whether this is the case that the gentleman from California [Mr. Stephens] is interested in or not, but he has such a case. There are so many of them that I can not keep track of them.

Mr. MANN. I think this is not the one.

Mr. McKellar. The gentleman from California [Mr. Stephens] has such a bill which has been reported, and in that case the former soldier wrote in his own handwriting that he wanted to exclude the possibility of getting a pension under the bill.

Mr. MANN. Yes; but I am discussing this bill now. I will discuss the other bill when it is reached, if I feel like it and have the opportunity.

If the purpose of this bill is to show that the man has received an honorable discharge that is not true. He did not receive an honorable discharge. Under the law, he was not entitled to an honorable discharge. Now, in some cases we get around that by saying that in the administration of the pension laws he shall be considered as having an honorable discharge. That does not give him an honorable discharge. He does not receive on the books of the War Department the status of a man who has an honorable discharge; but we have the power to pension anybody we please, and if we say that in the application of the pension laws a man shall be considered as having an honorable discharge, he can get his pension; but the charge still stands against him on the book. In this case gentlemen say it does not give him a pension, that he would not be entitled to a pension. Well, it does not change the status on the books of the War Department. There he received a discharge which was not an honorable discharge. What object have we in lying about it? Why should we say that this man has received an honorable discharge, when thousands upon thousands of young men in the country who have gotten homesick and gone home because they were minors still stand on the books as having been discharged without an honorable discharge?

Mr. BARTON. Will the gentleman yield for a question, for information?

Mr. MANN. I yield to the gentleman.

Mr. BARTON. If the Congress should direct the War Department to change their record and give a man an honorable discharge, would they be compelled to do it?

Mr. MANN. If Congress should direct the War Department to change the record, I think the War Department would change the record.

Mr. BARTON. That is what I thought.

Mr. MANN. If Congress should pass a law directing any official of the Government to falsify history, he would probably falsify it, but it would not change the historical event in the slightest degree.

Mr. McKellar. May I suggest to the gentleman that the President has for many years uniformly vetoed all bills that undertook to change such records?

Mr. MANN. I understand that; but the gentleman from Nebraska [Mr. Barron] asked me what would happen if Congress should pass a law directing the War Department to change a record. Of course if the two Houses should pass such a bill, the President would probably veto it. But if Congress should pass a law, probably the War Department would make a notation to that effect.

Mr. BURKE of South Dakota. Will the gentleman from Illinois yield?

Mr. MANN. I yield to the gentleman.

Mr. BURKE of South Dakota. Suppose a boy of 16 enlisted, served two years and eight months, and was discharged as this soldier was discharged. Suppose that during that service he did sustain a very serious disability while in line of duty; would the gentleman now say that he should not be given a pensionable status at this time, 50 years afterwards?

Mr. MANN. But he has a pensionable status in that event. The law in regard to honorable discharge only refers to service pensions. Anyone who receives an injury in the war from which he afterwards suffers is entitled to a pension regardless of whether he was a deserter or not. But when we grant a service pension simply because a man served in the Army, the law provides that he must have an honorable discharge.

Mr. HAY. Will the gentleman yield?

Mr. MANN. Yes.

Mr. HAY. I think the gentleman is mistaken. Does the gentleman mean to say that if a man is wounded he is entitled to a pension whether he got an honorable discharge or not?

Mr. MANN. That is the law; that is correct.

Mr. McKellar. I think the gentleman is mistaken. We have before the subcommittee some 1,500 bills, and I know of my own personal knowledge from having examined them that there are over 100 where the soldier was wounded in the Army, and yet has not got a pension.

Mr. MANN. We have a bill on the calendar reported by the gentleman's committee which we will reach in a few minutes, where a man is now drawing a pension for a wound received in the Army, and you propose to give him an honorable discharge so that he can draw a service pension. I do not pretend to speak with any great knowledge or precise knowledge of the pension laws, but I am confident that a man wounded in the Army so that he afterwards suffers from it is entitled to receive a pension for the actual injury regardless of how his discharge reads.

Mr. LANGLEY. I think the gentleman from Tennessee fails to distinguish between a dishonorable discharge and a desertion. If a charge of desertion stands against the soldier in his final service, he can not be pensioned because he has never been separated from the service. But if he incurs a pensionable disability in the line of duty, even if dishonorably discharged, he can get a pension under existing law.

Mr. COX. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. COX. I want to go further than the gentleman from Kentucky goes. I think the gentleman from Illinois has stated the law correctly. If a man was in the war and had a dishonorable discharge and he contracted disability while in the war while his honorable service was operating, and later there is a charge of desertion, he can, under the general law, get a pension for disability incurred by himself during his service. I know that is true, because I had one case of that kind before the Pension Bureau.

Mr. McKellar. I think the gentleman from Indiana is mistaken about it, because under the Sherwood pension bill there have been many cases of men who are receiving a pension—

Mr. MANN. That relates to service pensions.

Mr. McKellar. Many cases have arisen where they have been drawing pensions. Men who have been wounded have been drawing pensions, and the Pension Department has cut them off because of the fact that they were dishonorably discharged.

Mr. MANN. They have cut them off from receiving a service pension.

Mr. BURKE of South Dakota. If the gentleman will further yield, I understand from the gentleman's answer to the question I propounded before that if this man had sustained a disability during his service he would be entitled to a pension. Suppose we pass this bill, under what law can he draw a pension?

Mr. MANN. I do not know whether he can get a pension or not; but what is the object of the bill if that is not the object?

Mr. BURKE of South Dakota. It seems to me that the gentleman from Idaho [Mr. Smith] stated what the object is—to make the man eligible to get into a soldiers' home.

Mr. MANN. Then why does it say "under the administration of the pension laws"?

Mr. BURKE of South Dakota. Simply because, as the gentleman from Tennessee stated, evidently they are following a form.

Mr. MANN. Oh, no; the gentleman from Tennessee did not follow the form. This bill does not follow the ordinary form that is used. There is no excuse for passing a bill of this kind unless Congress wants to be bothered with cases that arise from day to day where a young man who has enlisted asks to be discharged because of minority, or because he is under 18 years of age, and they grant that discharge. It is not an honorable discharge. If Members desire to bring upon themselves thousands of private bills of that character, very well; or if you desire to change the law so that a man can enlist in the Army and then leave it when he wants to, why, change it; but do not try to pass a bill on the theory that it occurred 60 years ago, and is only a Civil War case. It is no different from the ordinary case arising every day.

Mr. BRUMBAUGH. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. BRUMBAUGH. If this bill passes, it will give the soldier a pensionable status?

Mr. MANN. If this bill passes, it will give to this soldier the status of an honorable discharge, so far as the pension laws are concerned.

Mr. BRUMBAUGH. That would give him a pensionable status.

Mr. MANN. I do not know whether it would give him a pensionable status or not. He was not a volunteer; he was in the Regular Army and did not enlist until after the Civil War was practically over, although I think it was some time before it was theoretically over.

Mr. BRUMBAUGH. If it developed that he received an injury in the line of duty, what would prevent him from drawing back pay?

Mr. MANN. If he received an injury in the line of duty and could get a pension, I do not know whether this would give him back pay or not. The ordinary form is in such bills that no pay, bounty, or other emolument shall accrue prior to the passage of the act. That provision is not in this bill. It says that no pension shall accrue prior to the passage of the act. I suppose whoever prepared the bill designed to give the man back pay and allowance that would have been due him if he had received an honorable discharge.

Mr. BRUMBAUGH. Does not the gentleman think we would be honorably bound to go back and do the same, and be more imperatively bound to do so, for those who served during the war rather than to correct this record for one who had no service?

Mr. MANN. I do not think you can differentiate this case from the ordinary case that arises daily. I do not know how many Members of Congress have had cases sent to them; I know they come to me where men have enlisted now. I know they have court-martialed some for making false affidavits and given them a penitentiary sentence. They threatened to do that constantly, but they have not done it often; but they have done it in recent years. We now propose to put a crown upon the man's head because he did a wrong thing.

Mr. GILL. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. GILL. Mr. Chairman, I would like to ask the gentleman if it is necessary for a man to have an honorable discharge to get into one of those homes?

Mr. MANN. I do not know about that.

Mr. GILL. Possibly that is the reason—his desire to get in there.

Mr. MANN. I do not think that is the reason at all. I do not think this is a case where a man wants to get into a soldiers' home, but a case where he wants to get a pension.

Mr. GILL. Would not that be equivalent to a pension?

Mr. MANN. It might be.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. BURKE of South Dakota. I was about to ask the question which the gentleman from Missouri has just propounded. It seems to me that if a man does not have to have an honorable discharge, and I do not think he has, to get into a soldiers' home, then that is not the purpose of the bill. The gentleman has very clearly stated, and others who are informed say that he is correct, that this soldier can not draw a pension under any law at the present time, if he is entitled to a pension at all, and therefore I do not see that he gains anything if this bill does become a law. I will vote for the bill, but I am wondering if it will do the man any good if it passes.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. GOULDEN. As president of the board of trustees of one of our largest State homes, in New York, I will say that men are admitted on a plain, simple discharge. There would be no question as to whether it was an honorable discharge or simply a discharge. Of course, if it were a dishonorable discharge, then we would not admit him, but this is not a dishonorable discharge, but just a plain discharge without honor or dishonor. Simply a separation from the service.

Mr. MANN. Do you admit men who served in the Regular Army?

Mr. GOULDEN. No. Only those of the Volunteer service.

Mr. MANN. But this man had no Volunteer service.

Mr. GOULDEN. I know; but he might be admitted to some other home, namely, the one here in Washington for the Regular Establishment.

Mr. LANGLEY. That depends on the law establishing the home.

Mr. GOULDEN. It is a question of whether he served in the Civil War, because I think the Civil War was declared officially closed early in 1863, so that he might get into the soldiers' home on the plea that he served during the Civil War, although the Civil War was practically over.

Mr. MANN. Mr. Chairman, I am very sorry to have detained the House even for a moment, on an important bill like this, and I will reserve the balance of my time.

Mr. SMITH of Minnesota. Mr. Chairman, I have a great deal of sympathy for the young men who join the Army. Going to and from my office for a number of years I have witnessed on the sidewalk every day a man dressed in a uniform, an officer of the United States Army, standing there for the purpose of enticing young men to join the Army. We all know that such inducements are tempting. We all know that young men have a great many visionary ideas, and that when they see this officer dressed in his immaculate uniform and they have had some trouble with their mother or father and have some idea that they would like to see the world, they say to themselves here is an opportunity, and they go to the recruiting station and from their homes and start to work for Uncle Sam. I say with all these cases it is our duty as men to recognize the characteristics of the boy, to recognize the circumstances surrounding him, and to recognize the fact that Uncle Sam has been one of the inducing causes to make that young man leave home and possibly take a false oath. It is claimed that this young man had committed the heinous crime of swearing falsely as to the date of his birth. I would like to know whether or not our distinguished leader on the minority side can swear to the date of his birth, or, in other words, does he, or does any Member who is present, know of his own knowledge the date when he was born?

Mr. MANN. Mr. Chairman, if the gentleman will yield, I will state that I have frequently sworn to the date of my birth. I hope the gentleman does not think I committed perjury. I have done it a great many times. Has not the gentleman himself sworn to the date of his birth?

Mr. SMITH of Minnesota. I did it on information.

Mr. MANN. Oh, no, no. Did he put in the oath that it was upon information or did he swear to the date of his birth?

Mr. SMITH of Minnesota. When I did I made a mental reservation. [Laughter.]

Mr. MANN. I never swear to a thing unless it is true.

Mr. SMITH of Minnesota. Mr. Chairman, I will grant that our distinguished leader never swears to anything but that which he thinks is true. But I still contend that he does not know when he was born. Neither do I. We have been told, and we have been told so often and by such good authority, for whom we have great respect, that we believe it, and that is all it amounts to. If this young man has done nothing except to make an affidavit that he believes he was born on a certain date, and he happened to be mistaken in that, it is no reason now why we should refuse to give to him that which every American citizen is proud to have, namely, an honorable discharge, if he has been in the Army.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Minnesota. Yes.

Mr. STEPHENS of Texas. I believe most of the States have a law that a young lady to be married must be over a certain age. Suppose a young man should swear that the girl was over that age, does the gentleman not think that he should be prosecuted if she were under the age? I suppose they have that law in the gentleman's own State.

Mr. SMITH of Minnesota. We have.

Mr. STEPHENS of Texas. Would the gentleman acquit this young man?

Mr. SMITH of Minnesota. Yes.

Mr. LANGLEY. I would like to be employed to defend him.

Mr. STEPHENS of Texas. What would you do with the laws in respect to perjury?

Mr. SMITH of Minnesota. I would enforce the laws of perjury when a man was brought before me who was using that for an unworthy purpose, but when a young man has been intimate with a young girl, and the circumstances are such that it is better that he should marry her than that a fatherless child should be born, I do not think it would be humane to prosecute him if he could not legally marry her under any other circumstances.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Minnesota. Yes.

Mr. GREENE of Vermont. I am not very much of an authority upon such cases, but I would like to ask the gentleman about this. If this boy swore to the date he thought was the date of his birth in good faith, and subsequently is to be relieved of any penalty that he may have incurred through ignorance, why did he not keep up his good faith for the full three years of his enlistment, instead of accepting that pretense or excuse to get out and shirk a portion of it?

Mr. HAY. Will the gentleman yield to me to answer that?

Mr. GREENE of Vermont. Surely.

Mr. HAY. For the very reason he did not ask to get out at all. He was gotten out upon the request of his parents.

Mr. GREENE of Vermont. I understand.

Mr. HAY. And not on his own request; he had nothing to do with getting out.

Mr. GREENE of Vermont. I understand that perfectly well, but the assumption always is and the experience in a great many of these cases is that there is always collusion between the boy who wants to get out and the mother who furnishes the evidence in order to get him out.

Mr. McKELLAR. There is no evidence of that kind in this case.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. SMITH of Minnesota. I will.

Mr. BURKE of South Dakota. I am in sympathy with the statement the gentleman made before he was interrupted a moment ago, that in the case such as he described the soldier ought to have an honorable discharge. Does this bill give this soldier an honorable discharge?

Mr. SMITH of Minnesota. It gives him what he asked.

Mr. BURKE of South Dakota. But does it give him an honorable discharge, and if it does not give him an honorable discharge, what does it give him, and what is the benefit accruing to him from such a discharge as this bill seeks to give him?

Mr. SMITH of Minnesota. He would get a benefit to this extent: It would show an attempt on the part of the Government to rectify that which it had attempted to do at an earlier date, which possibly was wrong.

Mr. BURKE of South Dakota. But it simply provides, as I understand the terms of the bill, that in the administration of the pension laws he shall be considered to have been honorably discharged, and so forth. Now, it does not give him an honorable discharge, and I am trying to find out, if the bill passes, whether this man will receive any substantial benefit. Can he draw a pension, and if so, under what law? Is he not eligible now to admission to a soldiers' home, and if he is, the bill does him no good, and if the gentleman will describe and say just what benefit he will derive by this bill, if it is enacted into law, I would like to have it?

Mr. SMITH of Minnesota. I imagine that an application for this sort of legislation is actuated by sentimental motives. I do not know that any man gets any direct benefit from an honorable discharge. I do not know that any great harm comes to him from a dishonorable discharge, but it is a mental attitude and it might be beneficial to the individual, and it is not for us to deny that application because we can not see any material benefit accruing to him.

Mr. BURKE of South Dakota. The bill by implication clearly shows he has not an honorable discharge. It simply says in the administration of the pension laws he shall be considered as having been honorably discharged, whereas the implication would be that he was not.

Mr. SMITH of Minnesota. I did not know it says in the administration of the pension laws. Is that in the bill?

Mr. BURKE of South Dakota. It is in the bill.

Mr. SMITH of Minnesota. Very good.

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. SMITH of Minnesota. Certainly.

Mr. GOLDFOGLE. I was not here when the discussion began, and I desire to ask this question for information. What was the discrepancy in the date of birth?

Mr. SMITH of Minnesota. Just a few months.

Mr. GOLDFOGLE. Only a few months; and how is that explained?

Mr. SMITH of Minnesota. Well, there is no explanation of it. I know nothing except what is in the report. I find he enlisted in the fall of 1865 and he served until the fall or summer of 1868, when his mother came to the War Department and filed an affidavit to the effect that he was not 18 years old when he enlisted.

Mr. GOLDFOGLE. During the time he served was his record good in the service?

Mr. SMITH of Minnesota. I think it was excellent, and I understand there is nothing before us to show that the mother and boy were in cahoots or in collusion when she tried to get him out of the Army.

Mr. GOLDFOGLE. So that apparently there was good faith on the part of the boy?

Mr. SMITH of Minnesota. So far as the record here shows.

Mr. GOLDFOGLE. There is nothing to negative that?

Mr. SMITH of Minnesota. No.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. SMITH of Minnesota. I will.

Mr. GREEN of Iowa. Is it not a fact that, if this bill passes, the claimant could be admitted to a national soldiers' home for the Regular Army? All that prevents his being admitted now would be this record, which would be removed for such a purpose.

Mr. SMITH of Minnesota. I understand that is the fact. I now yield to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. The record shows, as I understand, that the young man served about three years.

Mr. SMITH of Minnesota. Two years and eight months.

Mr. TOWNER. Nearly three years, and that so far as the record shows he has an honorable record of service?

Mr. SMITH of Minnesota. Yes.

Mr. TOWNER. And that when he first made his application for admission he was something over 16 years of age?

Mr. SMITH of Minnesota. Yes.

Mr. TOWNER. Then, really, the record as it now stands penalizes him for what appears to be a dishonorable discharge, and now all he is asking by this bill is to remove that disability or that inference?

Mr. SMITH of Minnesota. As far as we can do so.

Mr. TOWNER. As far as we can.

Mr. SMITH of Minnesota. There is some objection that the bill does not go far enough, that it does not amount to anything, and in reply to that the only thing I can say is that if this suits him and he seems to be getting anything by it, and it is the only thing we can do, why not give it to him?

Mr. TOWNER. Is it not more creditable to him to ask for an honorable discharge for sentimental reasons, as the gentleman suggests, than merely trying to get a pension and a place in a soldiers' home? [Applause.]

Mr. SMITH of Minnesota. I consider it very much more so. I will not detain the committee longer than to say that this is only one of a number of cases that are apt to be brought before the Congress and that Congress will have to consider, and in considering them I believe that we ought to be actuated by humane motives, and we should not sit here as a general in the field who is directly facing the enemy when he must have strict discipline, and if a man does not obey an order there is only one way to enforce it, and that is to have him shot; but we are exercising authority in a different atmosphere, where we can take into consideration the element of humanity, of charity, and of the welfare of the young men of this country who are induced to join the Army by Uncle Sam himself, by the fife, the drum, and the uniform. And we ought to adopt such a policy as will not deal too harshly with these young men, or a great many of them, in the period when they are sowing their wild oats. After they have been in the Army for a time they develop the better side of their nature, and then they show that they are going to become substantial, worthy citizens; and when there is no longer any need for them in the Army, and for some cause or other they leave the Army, we should not be too exacting with them.

Now, when our Army is made up in a large degree of young men who have misguided notions, by young men who are in the period of changing from boyhood to manhood, and have not absolute control of themselves, have not found themselves, so to speak, we should deal with them in a more charitable way. [Applause.] Because what good does it do you, or what good

does it do me, to crush the young man at the very threshold of his manhood? That is the time when we should lend him a helping hand; and in the case of this young man, he having served 2 years and 8 months with a creditable record when his mother saw fit to get him out of the Army, is that any reason now why we should penalize him because he did not live up to every rule that we know to be moral and worthy?

If we would enforce the statutes as we find them in the criminal codes of our respective States, as the gentleman from Texas said, there would be a great many hardships worked. The laws and the statutes are not made to work hardships. Laws and statutes are made to apprehend criminals, to punish a man who is born with sentiments and principles that you can not curb except in prison, but not for the punishment of men who make slight mistakes, who are unfortunate in some respects. There is a great difference between the two classes.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Texas?

Mr. SMITH of Minnesota. Yes.

Mr. STEPHENS of Texas. Is it not a fact that if this bill is passed it will give the young man a bounty in violation of the law?

Mr. SMITH of Minnesota. In what respect?

Mr. STEPHENS of Texas. It carries an appropriation, does it not?

Mr. SMITH of Minnesota. I understand not. I understand that the only bounty this bill gives to the young man is to pay him what the United States Government owes him, and what the United States Government took away from him as a fine or penalty at the time he was discharged.

Mr. STEPHENS of Texas. That is a wrongful act, is it not?

Mr. SMITH of Minnesota. In my opinion it was not such a wrongful act as would warrant us now in continuing that penalty imposed upon him. By his 50 years of good citizenship, by his 50 years of loyalty to this Government, by his 2 years and 8 months of service rendered to his country in the Army, he has shown that he is not such a man as ought to be penalized.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield again for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. SMITH of Minnesota. Yes.

Mr. STEPHENS of Texas. Is it not a fact that there is a provision of law—and it is carried forward now in actual practice—that a young man, under similar conditions as those, can pay a certain amount of money and be discharged from the Army? Is not that true?

Mr. SMITH of Minnesota. That is very true.

Mr. STEPHENS of Texas. Has not the gentleman had that done? I have had it done, and have procured discharges of young men in that way.

Mr. SMITH of Minnesota. Not as an honorable discharge.

Mr. MANN. Not as a matter of right. It is simply a matter of favor.

Mr. SMITH of Minnesota. It is a matter of discretion on the part of the military authorities.

Mr. MANN. He is discharged in that case by favor.

Mr. STEPHENS of Texas. Yes; but money has to be paid in order to do that.

Mr. MANN. Not in these cases.

Mr. STEPHENS of Texas. That is discharge by purchase, is it not?

Mr. SMITH of Minnesota. Yes. I can understand that. A young man may go to the Army and serve two years, and at the end of that time he may find a mother who is sick, or a father who is sick, and he may find it necessary to return home and take up his civil duties, and the Government under such circumstances says to him, "You can buy yourself out of the service," and he does it. But here is a young man who, for all we know, and for all that this record discloses, is willing to go along and serve out the balance of his term, and then he will virtually get his discharge. He was a young man who evidently prided himself on having an honorable discharge. Fifty years afterwards we find him pleading for an honorable discharge.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield for a moment?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Vermont?

Mr. SMITH of Minnesota. With pleasure.

Mr. GREENE of Vermont. Probably no man on the floor would be otherwise disposed than to agree with the gentleman from Minnesota that the law should not be vindictive in its attempt to secure justice, and that a young man who may com-

mit indiscretions deserves reasonable consideration afterwards in order that the penalty that hung over him may not always hang over him. But the gentleman can not compare this particular instance, happening in the Army, with cases happening in civil life. The gentleman knows that a young man who is indiscreet in the years of his minority in civil life and in consequence receives a sentence committing him to a reform school can not by act of Congress or by the act of a State legislature change that record, no matter how society may afterwards very properly receive him or forgive him or condone his offense. If he went to a reform school, you can not change the record.

Mr. SMITH of Minnesota. In reply to that I wish to say that for the balance of that man's life he carries a cross, and if he is willing that the State should do something to modify that record and he is satisfied with what the State does, and believes that that which the State is doing is going to modify it in such a way as not to perpetuate that harsh and cruel record upon him and those that are dear and near to him, he ought to get it and we ought to give it to him.

Mr. GREENE of Vermont. Very well. Taking the gentleman at his word, what does the State do in similar cases, where a boy has been imprisoned in the reform school, and where society, following a very generous and proper policy, afterwards receives the man and helps him to get along? Does society, through its expression in government and the law ever remove that reform-school sentence from the books?

Mr. TOWNER. Will the gentleman from Minnesota yield for a suggestion?

Mr. SMITH of Minnesota. Yes.

Mr. TOWNER. I should like to say that they certainly do that. Does not the gentleman think that in a case of that kind a pardon is valuable to a young man?

Mr. GREENE of Vermont. But do they remove the record?

Mr. TOWNER. You can not remove the record.

Mr. GREENE of Vermont. That is just the point exactly, and that is the reason why I object to this bill, because that is what this bill proposes to do.

Mr. TOWNER. If that were the case we would never pass bills of this kind.

Mr. GREENE of Vermont. I do not think we ought to.

Mr. TOWNER. The gentleman is of that opinion, but I do not think many Members of the House will agree with the gentleman on that. Now, if I am not taking too much of the time of the gentleman from Minnesota—

Mr. SMITH of Minnesota. I yield to the gentleman.

Mr. TOWNER. Let me say that I do not care what the motive of this young man is in asking for this. It seems to me that from any possible standpoint we ought not to refuse it. He enlisted in those troublous times, before the war had really ended, for service in the Army. It is true he made a misstatement with regard to his age, but thousands and tens of thousands of young men on both sides did the same thing. Nobody now regards that as a moral wrong. In fact, with very many it is regarded as a matter to be approved rather than otherwise that these boys in order to get into the Army to serve their country stated that they were older than they really were. Why should we continue to insist on having this derogatory record hanging over this young man, because that is just what it amounts to?

Mr. GREENE of Vermont. Will the gentleman permit me right there?

Mr. TOWNER. Yes.

Mr. GREENE of Vermont. I quite agree with the gentleman that in time of war technicalities ought not to stand between an able-bodied youth and his desire to go to the front and serve his country. Under such circumstances men are willing enough to shrug their shoulders and wink at technical evasions of the law. It is true that under those circumstances many boys resorted to a subterfuge in order to get into the Army; but this boy enlisted six months after the war was over, when there was no excitement about war, when the talk was all about peace, and how happy the Nation was that it was at peace. He did not go into the Volunteer Army, but into the Regular Army.

Mr. TOWNER. I will say to the gentleman that it is quite true that this was a short time after the actual fighting had ceased; but the gentleman is not justified in saying that this occurred after the end of the war, because, technically, the war did not end until the spring of 1866. The gentleman from Vermont [Mr. GREENE] can not personally remember what the attitude of a young man was at that time, because he is not old enough. It certainly was considered an honor at that time to serve the United States Government. It certainly was considered an honor to enlist, and enlistments were required, if not to put down the rebellion, for the purposes of pacification and for

the purpose also of fighting the Indians in the West, because that warfare was then being carried on. The desire of this young man to become a soldier of the United States and to enlist was an honorable desire, and he did enlist, and did good service for almost three years. Why should we now say that he shall carry until he dies a record that to him is dishonorable?

Mr. LANGLEY. Will the gentleman yield to me for a suggestion or two?

Mr. SMITH of Minnesota. I yield to the gentleman.

Mr. LANGLEY. The gentleman from Minnesota [Mr. SMITH] is always logical and just, and I am especially impressed with his remarks on this case. I would like to make one or two observations in his time, if he will permit. The "young man," to whom the gentleman from Iowa [Mr. TOWNER] and a number of other gentlemen have been referring, is now quite gray-headed. The committee seem to have lost sight of that fact. He has children much older than I am. He is, in fact, a very old man, and for him the sun of life will soon set. I am told by the gentleman from Iowa [Mr. WOOD], in whose district he lives, that he is an exemplary citizen, a man who stands high in his community. If he were a young man, perhaps the case might strike me a little differently, although I have great sympathy for them in such circumstances; but he is an old man and has an excellent record as a soldier and a citizen, save this one indiscretion in his youth that ought not to count against him with us now. It seems to me that we ought to consider his age and character, and resolve the doubt in his favor. If my friend from Minnesota will pardon me a little longer, I will say that I am going to vote for this bill without regard to the benefit that this man may or may not derive from it. Speaking of the advantage of it to him, I think gentlemen have lost sight of the point that there ought to be considerable honor attaching to the fact that a man receives such recognition as this bill would give this old man at the hands of the Congress of the United States. I hope there is, at any rate. [Laughter.] Gentlemen lose sight also of the fact, which is a very unusual one, that this old man's case has received the consideration of the greatest legislative body in the world for fully two hours, which is longer than any similar case has occupied the attention of the House during the eight years that I have been a Member of it, and I am sure he will feel honored by that. So this bill has already done him some good; and incidentally, I might remark, that this discussion has already cost the Government of the United States, at the rate of twelve or fifteen dollars a minute, many times the amount of any pension that he could possibly get during his comparatively few remaining days of life as a result of the enactment of this legislation.

Now, if you will pardon me just one minute further I want to say that I have had a good many cases before the Committee on Military Affairs myself. I have never been able to get a favorable report from the full committee on a single one of them. I have one case in my mind where a soldier—John F. Rudd—served two years and seven months in the Civil War. He was a brave soldier. He was in that famous company of heroes who planted the national colors first on the heights of Lookout Mountain on that memorable morning. He went home on a veteran furlough, having served out his enlistment, and reenlisted as a veteran volunteer, and contracted disease of the eyes and was nearly blind for more than a year and had to be led around. In addition to that he was surrounded by Confederates, and he could not have gotten back to his command even if he had been physically able to do so. He was charged with desertion. It was not true, and that fact has been conclusively proven by a dozen witnesses. I have tried for seven years to get a favorable report on that bill. I have not been able to do so. Cases like this that are not reported are the cause of much of this criticism and dissatisfaction with some of these bills that are reported. It is certainly a much more meritorious case than this one, but I am going to vote for this one also, and so heap a few coals of fire upon the heads of the Committee on Military Affairs. [Applause.]

Mr. SMITH of Minnesota. I agree with the sentiments expressed by the gentleman from Kentucky [Mr. LANGLEY], and I can say that I likewise have had a bill before the Committee on Military Affairs during this whole session of Congress. I have appeared on two or three occasions and stated the case as best I could. The committee has not yet taken any action, because there is an adverse sentiment in the committee. I have been waiting until I could get a better sentiment before I pushed the matter. I must say that I doubt if I ever get it out. Nevertheless, I am not holding that up against the committee. That is not the committee's fault. The committee, in this case, has performed its duty by bringing out a report on this bill. It has brought the matter before us in a way that the matter should be brought. The committee has done its duty,

and we should vote for or against this measure, not because the committee reports it, but because it appeals to our sense of what is right and what is wrong. We are not robbing the Government of anything, we are not taking anything of consequence out of the Treasury, but we are dealing justly with an old man who is about to shuffle off into the realms of the unknown, and he is asking us to try and make him happy in his old age, at the expense of no one, but out of pure and simple justice. [Applause.]

In conclusion, I wish to quote from that distinguished Briton and friend of America, William Pitt, in his reply to Horace Walpole in a debate which took place on March 10, 1740, in the House of Commons. Mr. Pitt replied:

Sir, the atrocious crime of being a young man, which the honorable gentleman has with such spirit and decency charged upon me, I shall neither attempt to palliate nor deny, but content myself with wishing that I may be one of those whose follies may cease with their youth, and not of that number who are ignorant in spite of experience.

Whether youth can be imputed to any man as a reproof I will not, sir, assume the province of determining; but surely age may become justly contemptible if the opportunities which it brings have passed away without improvement, and vice appears to prevail when the passions have subsided. The wretch that, after having seen the consequences of a thousand errors, continues still to blunder, and whose age has only added obstinacy to stupidity, is surely the object of either abhorrence or contempt and deserves not that his gray head should secure him against insults.

Mr. BURKE of Pennsylvania. Mr. Chairman, in connection with the suggestions made by the gentleman from Illinois [Mr. MANN], I was amazed to learn, as a number of Members on the floor were, that a man necessarily did not require an honorable discharge to receive a pension. I find upon investigation that the gentleman from Illinois, as usual, is right. The distinction lies between those not having an honorable discharge and those strictly termed "deserters." Under the act of March 3, 1873, there is no limitation whatever upon any individual who served in the military or naval branch of the United States receiving a pension, even though he was not honorably discharged from the service.

Mr. McKELLAR. Will the gentleman yield?

Mr. BURKE of Pennsylvania. Certainly.

Mr. McKELLAR. Does the gentleman mean to say that a deserter—this bill is not a bill for desertion—but does the gentleman mean to say that a man who is charged with desertion on the records, although he was wounded in the Civil War, would be entitled to a pension?

Mr. BURKE of Pennsylvania. No; I have not yet so stated. A deserter is not entitled to a pension, because there is a specific provision in two sections of the Revised Statutes against it. One is that he forfeits the rights of a citizen if he is a deserter; and another, which is more specific (the act of 1898), provides that any soldier who deserts shall, besides incurring the penalty attached to the crime of desertion, forfeit all right to a pension which he might otherwise have acquired.

Aside from that, there is no limitation upon the Commissioner of Pensions' power to grant pensions for disabilities incurred in the service by reason of the absence of an honorable discharge.

Mr. McKELLAR. The gentleman from Pennsylvania, I believe, has served on this committee for some length of time and knows of these cases coming before this particular subcommittee and which are now the subject of discussion. He knows that there are many of these bills where men who have been wounded in the Army are applying to the committee for relief in order to get pensions that they can not get now under the law.

Mr. BURKE of Pennsylvania. That is true, Mr. Chairman, I call the committee's attention to the acts covering this question:

REVISED STATUTES.

SEC. 4692. Every person specified in the several classes enumerated in the following section who has been since the 4th day of March, 1861, or who is hereafter disabled under the conditions therein stated, shall, upon making due proof of the fact, according to such forms and regulations as are or may be provided in pursuance of law, be placed on the list of invalid pensioners of the United States and be entitled to receive for a total disability or a permanent, specific disability such pension as is hereinafter provided in such cases; and for an inferior disability, except in cases of permanent, specific disability, for which the rate of pension is expressly provided, an amount proportionate to that provided for total disability, and such pension shall commence, as hereinafter provided, and continue during the existence of the disability.

SEC. 4693. The persons entitled as beneficiaries under the preceding section are as follows:

First, any officer of the Army, including Regulars, Volunteers, and Militia, or any officer in the Navy or Marine Corps, or any enlisted man, however employed, in the military or naval service of the United States, or in its Marine Corps, whether regularly mustered or not, disabled by reason of any wound or injury received, or disease contracted, while in the service of the United States and in the line of duty.

ACT OF APRIL 26, 1898 (30 STAT. L., 265, CH. 121, SEC. 6).

That in time of war the pay proper for enlisted men shall be increased 20 per cent over and above the rates of pay as fixed by law:

Provided, That in war time no additional increased compensation shall be allowed to soldiers performing what is known as extra or special duty: *Provided further*, That any soldier who deserts shall, by incurring the penalties now attaching to the crime of desertion, forfeit all right to pension which he might otherwise have acquired.

REVISED STATUTES.

SEC. 1996. All persons who deserted the military or naval service of the United States and did not return thereto or report themselves to a provost marshal within 60 days after the issuance of the proclamation by the President, dated the 11th day of March, 1865, are deemed to have voluntarily relinquished and forfeited their rights of citizenship, as well as their right to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States or of exercising any rights of citizens thereof.

Mr. KREIDER. Mr. Chairman, I want to call the attention of my Democratic friends who are in favor of an economical administration that we are about to consider a bill providing for an extra revenue tax, and that they have spent two hours and forty minutes on this bill which, at the rate of \$12 a minute, amounts to nearly \$2,000.

Mr. HAY. And the most of the time has been occupied by the gentlemen on the other side.

Mr. McKELLAR. All of the filibustering on this bill has been on the Republican side. The bill would have been passed two hours ago had it not been for that.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. McKELLAR. Certainly.

Mr. COOPER. Mr. Chairman, I have heard over and over again this talk about \$12 a minute. Whether we are here or not the salary of the Members of the House will not stop.

Mr. McKELLAR. That is my understanding.

Mr. COOPER. And the most of the employees are annual employees. All the reporters of the House are annual employees. Where do these gentlemen who figure so glibly every time the discussion of a bill takes place, that we are increasing the expenses of the Government at the rate of \$12 a minute, find facts on which to base their statement?

Mr. McKELLAR. Does the gentleman ask me this question? I will reply that I think it is merely for political effect.

Mr. LANGLEY. The gentleman means that it is psychological.

Mr. McKELLAR. Oh, no; political.

Mr. GREEN of Iowa. Mr. Chairman—

Mr. MANN. Will the gentleman from Iowa yield to me for a minute?

Mr. GREEN of Iowa. I will.

Mr. MANN. Mr. Chairman, the gentleman from Tennessee, who has taken most of the time on this bill, a few moments ago said that the filibuster came from the Republican side of the House. If there is any filibuster on the bill, it must be by the gentleman from Tennessee, and I would not charge that. So far as time is concerned, I occupied on the floor more time than anyone else, and more than half of that was occupied by the gentleman from Tennessee and other Members in interrupting me.

Mr. McKELLAR. Will the gentleman yield?

Mr. MANN. I again yield to the gentleman.

Mr. McKELLAR. Under ordinary circumstances a bill like this would be passed without discussion—a bill that has been passed by the Senate and reported by a committee of the House. I say, and I think it within the limit, and gentlemen here who have laughed about a filibuster will bear me out in the statement, that the only filibuster is a filibuster from that side of the House—the Republican side of the House.

Mr. MANN. Again, Mr. Chairman, the gentleman uses a good deal of my time. I suppose he will say that is filibustering. I have not conducted any filibuster. I took the floor to explain this bill. The gentleman from Tennessee [Mr. McKELLAR] did not know anything about the bill when it came up except what he read from the report, and I thought it was proper that the House should be told. The gentleman says "under ordinary circumstances." Mr. Chairman, under ordinary circumstances no such bill would be favorably reported to the House. It is the first time in my 18 years of service in this House that a bill of this character has been favorably reported by the committee to the House. Creating a precedent, such as it does, it ought to receive consideration, and when I took the floor I would have finished in 10 or 15 minutes except for the interruptions of the gentleman from Tennessee in seeking to obtain light from me about a bill which he has reported, and of course courteously I endeavored to give him such information about the bill which plainly he did not have when he reported the bill.

Mr. McKELLAR. Mr. Chairman, I leave it to the Members of the House and to the public to examine the remarks of the gentleman from Illinois when they appear in the Record tomorrow morning and to examine mine, and then determine as to who knows most about this bill. I defy them to get any

information about this bill from the remarks of the gentleman from Illinois [Mr. MANN].

Mr. GREEN of Iowa. Mr. Chairman, as has been well said, the claimant in this case is a man of advanced age. At the time when he undertook to enlist he was a boy of barely 15 years of age, a child, as it would seem to a person who has reached the age that I have. At that time he spoke as a child and thought as a child. He had not the mature judgment nor experience which later years would have given him. He was entitled to the consideration which a youth of 15 would ordinarily receive from the public. He committed no fraud in the ordinary sense of the term, although he may have committed a technical fraud. He obtained no benefit for himself. He injured no one by his act. The Government was not harmed. He rendered services for which he received pay and was denied pay for some of the time and some of the service which he gave to the Government. I think the bill ought to pass.

The CHAIRMAN (Mr. FOSTER). The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Jacob M. Cooper, now a resident of Iowa, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Company C, Twenty-second Regiment United States Infantry, July 18, 1868: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. MANN. Mr. Chairman, I move to amend by inserting, after the word "pension," in line 10, the words "pay, bounty, or other emolument."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, in line 10, by inserting, after the word "pension," the words "pay, bounty, or other emoluments."

Mr. McKELLAR. Mr. Chairman, I have no objection to that amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The bill was ordered to be laid aside with a favorable recommendation.

The CHAIRMAN. The Clerk will report the next bill.

MIRICK BURGESS.

The next business in order on the Private Calendar was the bill (S. 5065) for the relief of Mirick Burgess.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Mirick Burgess, who was a private of Company I, Third Regiment New Hampshire Volunteer Infantry, and of Company H, Twelfth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of the last-named company and regiment on March 28, 1863: *Provided*, That no pay nor bounty shall accrue or become payable by reason of the passage of this act.

Mr. McKELLAR. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, I make the point of order that that motion is not in order at this time.

The CHAIRMAN. The motion is not in order now, on the first reading of the bill.

Mr. MANN. Mr. Chairman, as the gentleman from Tennessee [Mr. McKELLAR] apparently is not familiar with the bill, I will ask, if permissible, that the Clerk read the gentleman's report in my time.

The CHAIRMAN. Without objection, the Clerk will read the report.

The Clerk read as follows:

Report to accompany S. 5065.

The Committee on Military Affairs, to whom was referred the bill (S. 5065) for the relief of Mirick Burgess, having considered the same, report thereon with a recommendation that it do pass.

We adopt the report of the Senate Committee on Military Affairs, which report is as follows:

"The Committee on Military Affairs, which has had under consideration the bill (S. 5065) to correct the military record of Mirick R. Burgess, reports the same to the Senate favorably and recommends that it be passed with the following amendments:

"Strike out all after the enacting clause and insert in lieu thereof the following:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Mirick Burgess, who was a private of Company I, Third Regiment New Hampshire Volunteer Infantry, and of Company H, Twelfth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of the last-named company and regiment on March 28, 1863: *Provided*, That no pay nor bounty shall accrue or become payable by reason of the passage of this act."

"Amend the title so it will read: 'A bill for the relief of Mirick Burgess.'"

"A bill (S. 40) for the relief of this soldier was favorably reported (S. Rept. 564) by your committee and was passed by the Senate in the Sixtieth Congress."

"In connection with this case attention is respectfully invited to copy of the record of this soldier as furnished by the Chief of the Record and Pension Office, March 20, 1896; communication to the Secretary of War from The Adjutant General, dated March 23, 1896, being a report on bill S. 2518 of the Fifty-fourth Congress; communication from the Assistant Adjutant General of March 18, 1896, to Hon. J. H. GALLINGER, United States Senator; communication from the Auditor for the War Department of April 27, 1906; and affidavits of the claimant of April 22, 1896, and April 30, 1906, hereto appended and made a part of this report."

"The above records and affidavits show that this soldier was mustered into service August 24, 1861, as a private in Company I, Third New Hampshire Infantry, to serve three years. He was reported present with his company from enrollment to April 30, 1862, and on the roll dated June 30, 1862, he was reported 'Absent; wounded in action at James Island, S. C.; sent to general hospital and Hiltonhead, S. C.'; and the subsequent rolls to February 28, 1863, reported him 'Absent in hospital at Bedloes Island, N. Y.; wounded.' The roll dated April 30, 1863, and the company muster-out roll, dated July 20, 1865, reported him discharged December 18, 1862, by reason of enlistment in the Twelfth United States Infantry. He enlisted December 18, 1862, in Company H, Second Battalion, Twelfth Infantry, at Fort Hamilton, N. Y., to serve three years, and is charged with desertion at the same post, March 28, 1863."

"The soldier in his affidavit of April 23, 1896, states that he remained at Fort Hamilton until he was paid off and discharged, when he left Fort Hamilton and went directly to Winchester, N. H., in which place, or in the vicinity of which place, he has since continuously resided."

"The affidavit of the soldier of April 30, 1906, states that he was wounded at Secessionville, S. C., June 16, 1862, and was taken to the general hospital at Port Royal, was removed to Bedloe Island, New York Harbor, remained there a few weeks, and was then transferred to the hospital at Fort Hamilton, New York Harbor. Early in December he requested that he be returned to his regiment, but was urged to join the Twelfth Infantry, United States Army. On December 18, 1862, he was transferred from the Third New Hampshire to the Twelfth Regulars. On March 28, 1863, he was informed that his discharge had come and that he could get his money at the paymaster's office. He received a draft for \$112.91, which was cashed in the treasurer's office, and on that date he went home, where he remained. He reports that he supposed he was discharged from the Army, and got no intimation to the contrary; that he did not desert from the Twelfth Infantry; had no thought of deserting, and never suspected that he was considered a deserter until an application for pension was rejected on the ground of his desertion. He further states that he is now drawing a pension on account of wounds. The soldier's statement in this respect is borne out to a certain extent by the communications appended, dated March 18, 1896, March 23, 1896, and April 27, 1906, all of which show that the soldier was paid on March 23, 1863, \$112.91, being arrears of pay and clothing allowance due the soldier as a private in the Third New Hampshire to December 18, 1862."

"From the above it would appear to your committee that there was no willful intention on the part of this soldier to desert the service of his country, but that he received a document which he was told was his discharge, and taking the same to the paymaster's office and receiving his pay, he believed that he was discharged from the service, and returned to his home; and in view of the long and faithful service of the soldier, the wounds that he received in such service, and his most excellent character since his return from the service, as testified to by a number of communications and petitions addressed to your committee by prominent people of his locality, your committee believes that the error of the soldier, through ignorance in mistaking the document for his final pay in the Third New Hampshire Regiment as his discharge from the service, and through illiteracy (the papers in the case showing that he was unable to read writing at the time), should not militate to his injury, but that he should be given the relief provided in the amended bill."

Mr. McKELLAR. Mr. Chairman, I think that is the end of the report, unless the gentleman wishes all of these other letters read.

Mr. MANN. Oh, I think the Clerk has not finished the report.

Mr. McKELLAR. These other papers are connected with it.

Mr. MANN. The other papers are a part of the report. The committee did not make any report except to adopt the Senate report, and, so far, nothing has been read to indicate why the bill should be passed. The important thing is the War Department report, which comes next.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CASE OF MYRICK R. BURGESS, LATE OF COMPANY F, THIRD NEW HAMPSHIRE INFANTRY VOLUNTEERS.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
March 20, 1906.

The SECRETARY OF WAR:

The name of Myrick R. Burgess has not been found on the rolls of Company F, Third New Hampshire Infantry Volunteers, on file in this office.

It appears, however, that Merrick (also borne as Mirrick) Burgess was enrolled August 21, 1861, and mustered into service August 24, 1861, as a private in Company I, Third New Hampshire Infantry Volunteers, to serve three years.

He is reported present on the company muster rolls from enrollment to April 30, 1862; the roll dated June 30, 1862, reports him "Absent, wounded in action at James Island, S. C., sent to general hospital at Hiltonhead, S. C."; and the subsequent rolls to February 28, 1863, report him "Absent in hospital at Bedloes Island, N. Y., wounded"; the roll dated April 30, 1863, and the company muster-out roll, dated July 20, 1865, report him discharged December 18, 1862, by reason of enlistment in the Twelfth United States Infantry.

Respectfully submitted.

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, March 23, 1896.

The records of this office show that Pvt. Mirrick Burgess, Company H, Second Battalion Twelfth Infantry, enlisted December 18, 1862, for three years, deserted at Fort Hamilton, N. Y., March 28, 1863, and that he never returned to his command.

The Auditor for the War Department, United States Treasury, has reported to this office that there is no evidence of final payment or discharge of Mirrick Burgess as of Company H, Second Battalion Twelfth Infantry, on file in his office, but that on March 23, 1863, the soldier was paid arrears of pay (\$112.91) to December 18, 1862, as a private in Company I, Third New Hampshire Volunteers.

The department has no power to remove the charge of desertion, and favorable action on the proposed legislation can not be recommended.

Respectfully submitted,
The SECRETARY OF WAR.

GEO. D. RUGGLES, Adjutant General.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, March 18, 1896.

SIR: In reply to your inquiry in regard to the military service of Mirrick R. Burgess, I have the honor to inform you that the records of this office show that Merrick (also borne as Mirrick) Burgess was enrolled August 21, 1861, and mustered in August 24, 1861, as private, Company I, Third New Hampshire Volunteers, and that he was discharged December 18, 1862, by reason of enlistment in the Twelfth United States Infantry; that he was enlisted December 18, 1862, as Mirrick Burgess in Company H, Second Battalion Twelfth Infantry, at Fort Hamilton, N. Y., for three years, and deserted at the same post, a private, March 28, 1863, never returning to his command.

The Auditor for the War Department reports that no evidence of final payment or discharge of this man as of Company H, Second Battalion Twelfth Infantry, is on file in his office, but that on March 23, 1863, the soldier was paid arrears of pay (\$112.91) to December 18, 1862, as a private in Company I, Third New Hampshire Volunteers.

Very respectfully,

J. B. BABCOCK,
Assistant Adjutant General.

Hon. J. H. GALLINGER,
United States Senate.

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR WAR DEPARTMENT,
Washington, April 27, 1906.

SIR: Replying to yours of recent date regarding final pay as private, Company I, Third New Hampshire Volunteer Infantry, you are informed that the records show that you were paid final pay as of above service March 23, 1863, amount \$112.91, being pay and clothing pay due for service as of Company I, Third New Hampshire Volunteer Infantry, from May 1, 1862, to December 18, 1862. The final statement with the voucher shows that you were discharged at Fort Hamilton, N. Y., December 18, 1862, by reason of enlistment in the Twelfth United States Infantry.

Respectfully,

B. F. HARPER, Auditor.
By S. E. FAUNCE,
Chief Records Division.

MIRICK BURGESS
(Care of F. H. Buffum, Manchester, N. H.).

I, Mirick Burgess, of Richmond, in the county of Cheshire and State of New Hampshire, on oath say that I enlisted in Company I, Third New Hampshire Volunteers, and I always supposed and believed that I was a member of said company and none other. I was wounded in the battle of James Island on the 16th day of June, 1862. I was sent to the hospital at Port Royal, and then I was transferred to Bedloes Island, N. Y. I then went to Fort Hamilton, some time in September. I think while there I done a little work, but only slight. I wanted to go back to my company and they refused or thought it best for me not to go back. I remained there all of the time until I was paid off and discharged. I now understood that I enlisted in the United States service, and if I did I was unaware of the fact. When I left Fort Hamilton I left as I supposed I had a right to, as I understood that I was not able to do military duty. I left Fort Hamilton and came direct to Winchester, where I have ever since lived and in its immediate vicinity. I was never a man who shirked my duty, and if I had for one moment thought that I was enlisted in the United States service I should have wanted to carry out my contract. I for a time received a pension and did not know until it was suspended that there was anything wrong in my Army record. I have circulated a petition and have procured all whom I have asked, and the names comprise all the best business men of this section. I feel that the charge is one that has come upon me by some mistake or other and should be removed. I therefore hope and pray that such action will be taken as will grant me the relief asked for.

MIRICK BURGESS.

STATE OF NEW HAMPSHIRE, County of Cheshire, ss:

Subscribed and sworn to this 22d day of April, A. D. 1896, before me.
[SEAL.] HOSEA W. BRIGHAM, Notary Public.

Mr. MANN. Mr. Chairman, I shall not insist upon having the rest of the report read, and ask that it be printed in the RECORD without being further read, in order not to detain the committee further.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to print the entire report in the RECORD. Is there objection?

There was no objection.

The remaining portion of the report is as follows:

I, Mirick R. Burgess, of Winchester, N. H., do make the following statement of my military service during the War of the Rebellion. In 1861 I was 23 years old and a resident of this town. On the 7th of August, 1861, I enlisted in Company I, Third New Hampshire Volunteers. I served in that regiment until wounded at Secessionville, S. C., June 16, 1862; was taken to the general hospital at Port Royal. Later was removed to Bedloes Island, in New York Harbor. Remaining there a few weeks, I was transferred to the hospital at Fort Hamilton, New York Harbor. Early in December I requested that I be returned to my regiment, but was urged to join the Twelfth Infantry, United States Army. On December 18, 1862, I was transferred from the Third New Hampshire to the Twelfth Regulars, Company H. On March 28, 1863,

I was informed that my discharge had come, and that I could get my money at the paymaster's over in New York City. I took the document, supposing it to be a discharge from the service of the United States. I did not read it, but went to the paymaster's office, got a draft for \$112.91, which was cashed in the treasurer's office. I then, on that day, came home and remained at home. I supposed I was discharged from the Army and got no intimation to the contrary. I did not desert from the Twelfth Infantry; I had no thought of deserting and never suspected that I was considered a deserter until my application for an increase of pension was rejected on the ground of my desertion. I am now drawing a pension on account of wound. My discharge, which I now presume was a discharge from the Third New Hampshire, was lost in 1867 while I was at work in Athol, Mass.

MIRICK BURGESS.

STATE OF NEW HAMPSHIRE, Cheshire, ss:

Winchester, April 30, 1906, personally appeared Mirick Burgess, who subscribed and made oath to the truth of the foregoing affidavit before me.

[SEAL.]

HOSEA W. BRIGHAM, Notary Public.

Mr. BURKE of Pennsylvania. Mr. Chairman, will the gentleman in charge of the bill yield for a question?

Mr. McKELLAR. Yes.

Mr. BURKE of Pennsylvania. In this case it appears that this man is a deserter, according to his own report, and he is at the present time drawing a pension. That is in conflict with the theory enunciated here, and the practice announced by the Pension Office, and the belief of the gentleman in charge of the bill, the chairman of the Committee on Military Affairs, and myself, and other Members.

Mr. McKELLAR. I do not know whether the man is drawing a pension or not.

Mr. BURKE of Pennsylvania. He states that he is now drawing a pension on account of wounds.

Mr. McKELLAR. I do not know how that is.

Mr. HAY. Mr. Chairman, I think I can explain that to the gentleman. He has a discharge from the New Hampshire command.

Mr. HOWARD. There were two enlistments.

Mr. HAY. He has a discharge from the New Hampshire regiment.

Mr. BURKE of Pennsylvania. But the statement of Gen. Ruggles is that the records at the War Department say that he is a deserter.

Mr. HAY. A deserter from his second enlistment, but not from the first.

Mr. HOWARD. He deserted from the enlistment at Fort Hamilton.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. McKELLAR. Yes.

Mr. WILLIS. Mr. Chairman, I call the gentleman's attention to the proviso, which is in this language:

That no pay nor bounty shall accrue or become payable by reason of the passage of this act.

I assume the passage of this act is to enable this person to secure a pension?

Mr. McKELLAR. Yes.

Mr. WILLIS. And if that be the purpose, ought not the proviso to be in the usual form—that no pay, bounty, or other emoluments shall accrue?

Mr. McKELLAR. The usual form is that no back pay, bounty, or pension shall accrue. I will offer an amendment when we read the bill under the five-minute rule.

Mr. BURKE of Pennsylvania. What will this do by way of benefit to this individual, so far as a pension is concerned, if he is already drawing a pension on account of his first enlistment, from which he had an honorable discharge? Of what benefit will this particular bill be to this man?

Mr. McKELLAR. He will be able to get a service pension under this act.

Mr. BURKE of Pennsylvania. Will he be entitled to two pensions?

Mr. McKELLAR. Oh, no; but one is greater than the other.

Mr. Chairman, I ask that the bill be read for amendment under the five-minute rule.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Mirick Burgess, who was a private of Company I, Third Regiment New Hampshire Volunteer Infantry, and of Company H, Twelfth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of the last-named company and regiment on March 28, 1863: *Provided,* That no pay nor bounty shall accrue or become payable by reason of the passage of this act.

Mr. McKELLAR. Mr. Chairman, I move to amend, by inserting, on line 1, page 2, after the word "no," the word "back."

Mr. MANN. Mr. Chairman, if that is the only amendment the gentleman proposes to offer to that provision of the bill, it really does not amount to anything. There can be no pay or

bounty accrue by reason of the passage of this act except back pay or bounty, and the bill provides that no pay or bounty shall accrue or become payable by reason of the passage of this act.

There can be no other except back. They used to put in the word "back," covering the question of pension—"No back pay, pension, bounty, or other emolument shall accrue," and so forth.

Mr. McKELLAR. Mr. Chairman, I do not think the amendment is necessary. I think this covers the case. I think this covers all there is.

Mr. MANN. I am inclined to agree with the gentleman.

Mr. McKELLAR. If the gentleman is willing, I will withdraw the amendment and ask that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. Without objection, the amendment will be considered as withdrawn.

There was no objection.

Mr. McKELLAR. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to, and the bill was ordered to be laid aside with a favorable recommendation.

PHILIP COOK.

The next business in order on the Private Calendar was the bill (S. 1063) for the relief of Philip Cook.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws Philip Cook, who was a private of Troop H, Sixth Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said troop and regiment on the 3d day of August, 1865.

Mr. McKELLAR. Mr. Chairman, I desire to read from a statement in reference to this particular bill:

The official report of The Adjutant General shows that this soldier enlisted at the beginning of the Civil War, on the 19th day of April; reenlisted August 14, 1861; was honorably discharged in each instance; that he reenlisted again February 6, 1864, and remained in service until August 3, 1865, when he left the Army, the war being over, and returned to his home along with other comrades. From this official record it appears that the soldier actually served 4 years 2 months and 14 days, his service extending over a period that practically covered the entire conflict of the sixties. The Adjutant General's report sets forth a copy of the affidavit of the soldier, in which it is shown that he participated in every battle and skirmish in which his regiment was engaged, and that he was never off duty a day for sickness or other reason.

I reserve the balance of my time.

Mr. MANN. I would like to ask my friend from Tennessee a question.

Mr. McKELLAR. I would be delighted to answer any question of the gentleman.

Mr. MANN. Why was no report obtained from the War Department in this man's case?

Mr. McKELLAR. I can not say at the moment, but there are a number of these cases which I examined at the time to convince myself of the justice of the case and of the correctness of the report, and I can not say weeks after a bill has been reported when there are so many of them I can not keep all the facts in each case in mind. My practice ordinarily is to copy the records of the War Department in the report, because I think that is the most satisfactory way of handling these matters, but evidently that was not done in this case.

Mr. MANN. Evidently my friend from Tennessee did not have the records of the War Department before him, because in his report he says:

The committee's action is based upon the report of the Senate Committee on Military Affairs, which report is as follows.

All the Committee on Military Affairs of the House had before it was the report of the Senate Committee on Military Affairs, which contains very little information and carefully avoids giving the man's record in the Army.

Mr. McKELLAR. No; I think the gentleman is mistaken. The committee gives his record in the Army and states the number of his enlistments and that he deserted from the last one after the war was over. It shows the exact term of his service and purports to be a substantial copy of these War Department records, and I have not the slightest doubt about the accuracy of the Senate report. I examined it and had the papers before me, and I have no doubt I used it for the purpose of avoiding going into that detailed work.

Mr. MANN. I do not see how it purports to be an exact copy of anything.

Mr. McKELLAR. Did I say an exact copy? I thought I said a substantial copy.

Mr. MANN. The Senate committee's report undertakes to give information. Where they got it I do not know. They probably obtained it from statements made by this claimant. Customarily we get that information as to the official record from the War Department.

Mr. McKELLAR. I will state to the gentleman, take the case we have just passed upon where it purports to give the exact copy of the War Department's report. The gentleman can not judge from these reports which is an exact copy. I may have padded that if I saw proper or made it entirely out of the whole cloth; but, as a matter of fact, I reported the facts as near as I could.

Mr. MANN. I do not assume the gentleman pads or treats the House falsely in anything. I have not intimated anything of the kind.

Mr. McKELLAR. I am sure the gentleman would not say anything of that kind.

Mr. MANN. But here is a report of the gentleman which says his report is based upon the Senate report, and nowhere in their report is any report from the War Department where the official records are.

Mr. McKELLAR. Well—

Mr. MANN. And in this case I am going to have the report read in my time so as to find out what their report is.

Mr. LANGLEY. The mere fact that the Senate report details the exact dates and length of service shows conclusively that they had the War Department records before them.

Mr. MANN. I hope the gentleman will not take up my time by filibustering.

Mr. McKELLAR. The gentleman's last remark refers to the gentleman from Kentucky [Mr. LANGLEY] and not to me.

The CHAIRMAN. The Clerk will read the report in the time of the gentleman from Illinois.

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 1063) for the relief of Philip Cook, having considered the same, report thereon with a recommendation that it do pass with an amendment.

Insert the following after the word "sixty-five," in line 8, page 1 of the bill:

"Provided, That no back pay, pension, or emolument shall accrue by reason of the passage of this act."

The committee's action is based upon the report of the Senate Committee on Military Affairs, which report is as follows:

"The Committee on Military Affairs, which has considered the bill (S. 1063) to grant an honorable discharge to Philip Cook, reports thereon favorably and recommends that the bill be passed.

"While the thoughtless conduct of this soldier as disclosed by the record led to the charge of desertion being placed against him by the War Department, investigation of the war record of the man negatives entirely the idea or charge that he belongs to that class known as deserters, camp followers, coffee coolers, or sutlers that followed in the wake of the Army in the sixties. On the contrary, the official report of The Adjutant General shows that this soldier enlisted at the beginning of the Civil War, on the 19th day of April; reenlisted August 14, 1861; was honorably discharged in each instance; that he reenlisted again February 6, 1864, and remained in service until August 3, 1865, when he left the Army, the war being over, and returned to his home along with other comrades. From this official record it appears that the soldier actually served 4 years 2 months and 14 days, his service extending over a period that practically covered the entire conflict of the sixties. The Adjutant General's report sets forth a copy of the affidavit of the soldier, in which it is shown that he participated in every battle and skirmish in which his regiment was engaged, and that he was never off duty a day for sickness or other reason. This affidavit is uncontradicted on the part of the Government and is corroborated by the sworn evidence of John Higley, a comrade who enlisted in the same company and regiment with Philip Cook and served with him until the close of the war. He says of Cook:

"I never knew a better soldier than Philip Cook. I never knew him to be sick or in the hospital, and always found him on the line of duty."

"It appears that the last of the three enlistments of this soldier during the Civil War was for a period of three years. The war, it later developed, was nearly over then, and his enlistment would have taken him beyond the duration of the war, or until February, 1867.

"The soldier, from his affidavit, seems to have taken the view of the matter that he had enlisted for three years, or until the war was over, and states that, without any intention of deserting, he left the regiment under the following circumstances:

"The war was then over. Deponent had not been home for more than a year. He supposed that the regiment would be discharged, and, in company with 12 or 13 others, he left and came directly to his home in Williamsport, Pa., where he has resided ever since. He left thoughtlessly, being influenced by the action of the others who left with him, who included four or five noncommissioned officers. He has served faithfully in said regiment for about four years, never was a day off duty for sickness or any other reason, was in every battle and skirmish that his regiment participated in, and appeals to his record as a faithful soldier."

"In the judgment of your committee, the record of this soldier throughout the Civil War does not comport with that of a deserter, and it is recommended that the relief sought in this case be granted."

Mr. McKELLAR. Does the gentleman from Illinois yield the floor?

Mr. MANN. No.

Mr. McKELLAR. I want to make a motion.

Mr. MANN. Very well.

Mr. WILLIS. Will the gentleman yield to me in order to ask a question of the gentleman from Tennessee?

Mr. MANN. I yield to the gentleman from Ohio.

Mr. WILLIS. I desire to call the attention of the gentleman again to the proviso, as I did in the previous bill, for the purpose—

Mr. MANN. Certainly my friend from Ohio can not call attention to any proviso in this bill.

Mr. WILLIS. I was just going to explain to my friend from Illinois this is a proviso that is proposed to be inserted by a committee amendment.

Mr. MANN. There is no committee amendment in the bill.

Mr. WILLIS. But there is one proposed in the report. I want to call the attention of the gentleman from Tennessee to the form of the proviso suggested as an amendment. It reads:

Provided, That no back pay, pension, or emolument shall accrue by the passage of this act.

Mr. McKELLAR. Yes.

Mr. WILLIS. Of course one of the purposes of the passage of this act is to make it possible for the beneficiary to secure a pension.

Mr. McKELLAR. Not a back pension.

Mr. WILLIS. Certainly not. I am directing the attention of the gentleman to the fact that as that proviso reads it might possibly be construed to apply to a back pension. Would it not be better to have it read this way? Is not this just what the gentleman ought to say: "*Provided, That no back pay, bounty, or emolument shall accrue prior to the passage of this act?*"

Mr. McKELLAR. If that is the gentleman's bill, I am willing to accept it.

Mr. WILLIS. No. Let me state that amendment again: "*Provided, That no back pay, bounty, or emolument shall accrue prior to the passage of this act.*"

Mr. McKELLAR. You might put in the words "back pay and back emolument" if you wish.

Mr. MANN. The suggestion of the gentleman from Ohio [Mr. WILLIS] would permit the payment of back pay subsequent to the passage of the act, but not prior thereto.

Mr. WILLIS. If it could not accrue, there would not be such a thing as back pay and bounty.

Mr. MANN. While there might be a discussion as to whether the term "back pay, bounty, or pension" meant back pay, back bounty, or back pension, still it has been so construed by the Pension Office.

Mr. McKELLAR. I so understand.

Mr. WILLIS. Evidently the word "back" would refer to the pay.

Mr. McKELLAR. I will say to the gentleman this: The War Department has sent down a great number of forms. They do not always have the exact form which this has. But this is one of the forms submitted by the War Department. They would not submit a form in the proviso that would nullify the act, of course.

Mr. MANN. This is one of the forms that is submitted, that "no pay, bounty, pension, or other emolument shall accrue prior to the passage of this act." That is one form.

Mr. McKELLAR. Yes.

Mr. MANN. Another is that "no back pay," and so forth, "shall accrue by reason of the passage of this act."

Mr. WILLIS. That is all right if you construe the word "back" to apply to pension or emolument.

Mr. MANN. It is so construed.

Mr. McKELLAR. Mr. Chairman, let the Clerk read the bill for amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws Philip Cook, who was a private of Troop H, Sixth Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said troop and regiment on the 3d day of August, 1865.

Mr. McKELLAR. Mr. Chairman, I move the following amendment: "After the word 'sixty-five,' in line 8, page 1 of the bill, insert the words '*Provided, That no back pay, bounty, or emolument shall accrue by reason of the passage of this act.*'"

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. McKELLAR].

The Clerk read as follows:

Amend by adding at the end of line 8 the following: "*Provided, That no back pay, pension, or emolument shall accrue by reason of the passage of this act.*"

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, I move to amend the amendment by inserting, after the word "pay," the word "bounty."

Mr. McKELLAR. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by inserting, after the word "pay," the word "bounty."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN] to the amendment of the gentleman from Tennessee [Mr. McKELLAR]. The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee as amended by the amendment of the gentleman from Illinois.

The amendment as amended was agreed to.

Mr. McKELLAR. Mr. Chairman, I move now that the bill as amended be laid aside with a favorable recommendation.

The CHAIRMAN. The gentleman from Tennessee [Mr. McKELLAR] moves that the bill as amended be laid aside with a favorable recommendation.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The CHAIRMAN. The Clerk will report the next bill.

CALEB T. HOLLAND.

The next business in order on the Private Calendar was the bill (H. R. 17752) for the relief of Caleb T. Holland.

The bill was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Caleb T. Holland who was a private of Company E, Sixteenth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 18th day of April, 1864.

Mr. McKELLAR. Mr. Chairman, this is a bill that was reported by the gentleman from Illinois [Mr. McKENZIE], of the Committee on Military Affairs, and I will ask him to take charge of it.

The CHAIRMAN. The gentleman from Illinois [Mr. McKENZIE] is recognized for one hour.

Mr. McKENZIE. This soldier evidently deserted twice. He first enlisted in the Sixtieth Illinois Regiment of Infantry in 1862, and after serving about two years he reenlisted in this same regiment, and from that organization he deserted soon after his second enlistment and joined a battery of Indiana artillery, in which organization he served until some time in 1865, or until the close of the war—that is, the actual close of the war—and at that time deserted.

It is a fact that the evidence before the committee does not disclose very clearly just what the soldier was doing during the period from the time of his desertion from the Infantry regiment until he joined the Indiana battery of artillery.

Mr. WILLIS. Mr. Chairman, will the gentleman yield there?

Mr. McKENZIE. Yes.

Mr. WILLIS. Did the soldier receive any bounty for his second enlistment?

Mr. McKENZIE. Well, we were unable to determine from the papers before us whether he did or did not. But the gentleman who introduced the bill, Mr. HILL, of Illinois, asserted before the committee that he did not receive any bounty. Of course, if we had been advised that he had received any bounty we would not have reported the bill to the House. But the statement made by Mr. HILL was to the effect that the soldier did not receive any bounty or other emolument for his reenlistment. He gave as the reason for his first desertion the fact that one of his commanding officers seemed to have some sort of prejudice against him, and at every opportunity took occasion to humiliate him, and had threatened him with punishment; and, believing he was going to be punished, he left the train on which his command was traveling, and deserted. The very fact that he immediately, or very soon thereafter, joined another military organization is good evidence that he was not deserting for the purpose of getting out of the military service of his Government.

The evidence tends to show that he was a good soldier; that he did his work faithfully and well; and that his final desertion after the war was over was nothing more than what was done by thousands and thousands of other young men who, believing the war to be over and no further fighting necessary to be done, left and went to their homes.

We considered the matter very carefully, and we felt, and I feel now, regarding those boys who went into the service of their country and actually fought and were good soldiers, notwithstanding the fact that they may have been guilty of some indiscretions and violation of certain military regulations, that we ought to look with a great deal of charity upon such indiscretions when no real harm came therefrom to the country.

I have no use and no respect for a man who will desert a military organization on account of cowardice, or for the purpose of obtaining bounty or emolument by reenlisting, but when a man had some just reason, as I have no doubt many of the privates had, because of the treatment of some of their officers,

and deserted from one organization and thereafter enlisted in another organization, without profit, I feel that we ought not to be too critical at this time, and for that reason I joined with the other members of the Committee on Military Affairs in recommending that this man's record be corrected.

Mr. MANN. In this case the claimant deserted twice. That of itself would be a sufficient reason for examining carefully into the case. It develops that the first time he deserted because the boys had knocked in the head of a barrel of whisky, and the captain of his company undertook to prevent him from getting drunk on the whisky, and he drew his gun and bayonet and tried to bayonet the captain, and the captain ordered the boys to arrest him, and he left. That seems to be a sufficient reason for making a careful examination of the merits of the case, and I will therefore ask that the Clerk in my time read the report of the committee, so that the House may understand the evidence that is presented to overcome two desertions and one attempt to kill the captain because the captain did not want him to get drunk.

The CHAIRMAN. The Clerk will read the report in the gentleman's time.

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 17752) for the relief of Caleb T. Holland, having considered the same, report thereon with a recommendation that it do pass.

The soldier, Caleb T. Holland, first enlisted in Company E, Sixtieth Illinois Volunteer Infantry, January 15, 1862, and was mustered into service February 17, 1862. He reenlisted in the same organization as a veteran volunteer February 18, 1864. He deserted from this organization April 18, 1864, near New Albany, Ind., giving as a reason for desertion that he was in great fear of his superior officer, who had treated him very unjustly without cause. After deserting the above-mentioned regiment he enlisted in Company B, First Indiana Volunteer Heavy Artillery, July 20, 1864, under the name of Charles T. Howard, to serve three years. He deserted from this organization June 24, 1865. The last charge of desertion has been removed under the law approved July 5, 1864.

The purpose of this bill is to clear up his record on the first desertion. It is evident that the soldier did not desert for the reason he did not care to serve his country, for he soon thereafter reenlisted and served to the end of the war, receiving no bounty or extra pay for such reenlistment. The time intervening from his first desertion until his reenlistment is not very fully accounted for, but we do not feel that such deficiency in the evidence is sufficient to justify the denial of the relief prayed in the bill. Hereto attached, and made a part of this report, is the letter of The Adjutant General; also, affidavit of soldier and three of his comrades.

CASE OF CALEB T. HOLLAND, ALLEGED LATE OF COMPANY B, FIRST REGIMENT INDIANA VOLUNTEER HEAVY ARTILLERY.

The name of Caleb T. Holland has not been found on the rolls, on file in this office, of Company B, First Indiana Volunteer Heavy Artillery.

It appears from the records of this office that Caleb T. Holland, Company E, Sixtieth Illinois Infantry Volunteers, subsequently served as a member of Company B, First Indiana Heavy Artillery Volunteers, under the name of Charles T. Howard.

The records show that Caleb T. Holland was enrolled January 15, 1862, and was mustered into service February 17, 1862, as a private of Company E, Sixtieth Illinois Infantry Volunteers, to serve three years. On the company muster rolls to and including the one dated April 30, 1862, he was reported present. On the company muster roll dated June 30, 1862, he was reported furloughed for 20 days from May 16, absent without leave. On the subsequent muster roll to and including the one dated December 31, 1863, he was reported present. He reenlisted February 18, 1864, as a veteran volunteer, in the same organization, and deserted April 18, 1864, near New Albany, Ind. While absent in desertion he was again enrolled July 20, 1864, under the name of Charles T. Howard, and was mustered into service August 5, 1864, as a private of Company B, First Indiana Heavy Artillery Volunteers, to serve three years, and he deserted June 24, 1865. The charge of desertion of June 24, 1865, has been removed, and he has been discharged to date June 24, 1865, under the provisions of the act of Congress approved July 5, 1864.

Applying to this department for removal of the charge of desertion and for an honorable discharge as a member of Company E, Sixtieth Illinois Infantry Volunteers, in an affidavit executed August 17, 1891, Holland, a resident of Marion, Ill., testified:

"That he served faithfully until on or about the 25th day of April, 1864, when, without any intention of deserting, he left the regiment under the following circumstances: 'Because of the intense hatred Capt. Stephen H. Fogarty had for me, together with the severe punishment he inflicted upon me. At Gosport, Ind., one of my comrades knocked in the head of a barrel of whisky and as the boys marched by would dip their canteens or coffee-pots into the barrel and fill them with the liquor. The captain standing by uttered not a protest until I dipped my canteen into the barrel, when he drew his sword and remarked, 'Damn you, I have been waiting for a chance at you,' and would have struck me but for me stepping to one side and drawing my gun on him. He ran and sent a squad of men to arrest me.' By this time we were on the train and as the boys informed me that I was to be arrested and court-martialed, I stepped off the train and made my way to the nearest Union troops.

Mr. HUMPHREY of Washington. Mr. Chairman, I do not know that I want to make the point of no quorum, but I want to call the attention of the House to the number of Democrats present and the number of Republicans. This is simply a fore-runner of what it will be after November next.

Mr. McKELLAR. Does the gentleman mean to say that all the Republicans left will be those who are on the floor now? [Laughter.]

The CHAIRMAN. The Clerk will proceed with the reading.

The Clerk read as follows:

"I reenlisted at Indianapolis in Battery B, First Indiana Heavy Artillery, on or about June 4, 1864, and was honorably discharged from same on or about June 28, 1865, under the name of C. T. Howard."

In an affidavit executed June 6, 1912, he again testified as follows:

"That he enlisted January 15, 1862, in Company E, Sixtieth Regiment Illinois Infantry Volunteers, and reenlisted as a veteran in the same company and regiment February, 1864, and continued to serve in said Company E, Sixtieth Regiment Illinois Infantry Volunteers till the 18th day of April, 1864, at which time left his command on account of the enmity of his captain against him and the ill treatment received at his hands; that he again enlisted under the name of Charles T. Howard on the 20th day of July, 1864, in Company B, First Regiment Indiana Heavy Artillery, and was discharged to date June 24, 1865, and having been absent less than four months from Company E, Sixtieth Regiment Illinois Infantry Volunteers, and having served faithfully under his second enlistment and honorably discharged therefrom; and said second enlistment was not made for the purpose of securing bounty or other gratuity that he would not have been entitled to under his enlistment; that he makes this application for the purpose of having the charge of desertion against him, on the rolls of Company E, Sixtieth Regiment of Illinois Infantry Volunteers, removed and receiving a discharge or certificate of honorable service under section 3, act of March 2, 1899."

Application for removal of the charge of desertion and for an honorable discharge in the case of this soldier as a member of Company E, Sixtieth Illinois Infantry Volunteers has been denied, and now stands denied, for the reason that his service under his reenlistment in the First Indiana Heavy Artillery Volunteers was not faithful, which fact precludes favorable action under the provisions of the act of Congress approved March 2, 1899 (25 Stat. L., 869), the only law in force governing the subject of removal of charges of desertion.

Respectfully submitted.

GEO. ANDREWS,
The Adjutant General.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
May 23, 1914.
The honorable the SECRETARY OF WAR.

STATE OF ILLINOIS, Williamson County, ss:

Caleb T. Holland, being duly sworn, on his oath doth say that he is the identical Caleb T. Holland who enlisted as a private in Company E, Sixtieth Regiment Illinois Volunteer Infantry, in the war of 1861-1865. That he was born in Monongalia County, W. Va., July 23, 1845. That his parents were people of limited means, and had to contend with the adversities of life by manual labor. That his father engaged in making brick—the old-fashioned hand made and sun-dried sand brick, usually burned in a hand-set kiln with firewood, this being the kind of brick of which houses were built 40, 50, and 60 years ago.

Affiant says that his boyhood and youth was occupied in manual labor in assisting to support his father's family; that his educational advantages were meager, extending only to reading and spelling.

Affiant says that his father was an ardent advocate of the Union cause. Affiant says that the southern sentiment was very strong among the people of Marion; in fact, the prevailing sentiment of the citizens of Marion was with the cause of the South. These were the conditions with which affiant was surrounded. And affiant, with other young boys of the country and city, enlisted in the Union Army, in Company E, Sixtieth Illinois, as above stated, January 15, 1862, when he had turned his 17th year, being but 16 years 5 months and 7 days old.

Affiant says that he was mustered into said company and regiment at Anna, Ill., about the 17th of February, 1862; and without encumbering this statement with a history of his services and privations and hardships, would state that with the exception of about six weeks or two months in the months of March and April, 1862, he was sick with typhoid-pneumonia at Cairo, Ill., in the United States hospital, for a time, and his father came and brought him to Marion, Ill., and nursed him back to health.

He returned to his regiment in the spring of 1862, after he had recovered from said sickness.

About three-fourths of the regiment reenlisted as veterans and were granted a furlough home from Centralia, Ill., about the 6th of March, 1864.

Affiant says that unfortunately for himself and many other of his comrades they captured a man down at Hickman, Ky., by the name of Stephen Fogarty, who had been in the rebel army and had had experience as a drillmaster. He became first lieutenant and afterwards captain on account of his knowledge of "company drill" and military tactics. He was an Irishman, and was much given to drink of intoxicating liquors, and in addition to that he was abusive to his men, especially so when under the influence of intoxicating liquors, which he was most of the time. Affiant says that it impressed him, this affiant, that he became the object of the said Fogarty's malice and ill-will, and further, he had oppressed affiant with his power to the extent of punishing affiant in various ways by putting affiant on extra duty, both in the camp and on the picket, making him perform police duty in the camp, clearing up the camp, digging up stumps in the camp and on the parade ground, putting him in the guardhouse for days and nights, apparently because he had the power to do so. Affiant being young in years and experience, became frightened with dread and was living in a state of continued fear of bodily injury or punishment.

Affiant says that it was on the return to the front with the veterans in April, 1864, while going through the State of Indiana at a place on the railroad called Gosport that affiant understood that there was a barrel of "rum" on the platform and some of the soldiers had knocked the head of the barrel in, and appropriated some of the liquor. This seemed to make Capt. Fogarty very angry, and without any evidence or proof accused this affiant of the act in the most threatening manner, and in a way impressed affiant that he intended to carry out his threats, told affiant that he was going to have him court-martialed and sent to prison as soon as the regiment landed at their destination. Affiant denied the charge and offered to prove his innocence, but of no avail. He would not listen to him.

This was the condition that affiant was in when the train got to Mitchell, Ind. Affiant had no intention of deserting or quitting the service, but determined to leave the command and be relieved of the abuse and oppressiveness of Capt. Fogarty. That he did not return to his home in Illinois, but went to Indianapolis, Ind., and enlisted in Company B, First Indiana Volunteer Heavy Artillery, with which he served until the close of the war.

After the close of the war he went into the pine woods in the State of Mississippi and worked with sawmills in different capacities until April 10, 1868, when he came back to Marion, Ill., the place that he started from when he first enlisted, and has been living in Marion ever since. Affiant says that many years ago he in good faith employed a pension attorney to straighten up his military record, and he thought he had done so. Affiant, not being versed in these matters, was surprised to learn that his record as a private in Company E, Sixtieth Illinois, did not show that he had been honorably discharged. He received a discharge when he reenlisted as a veteran. Affiant says that during the time since the war he has held various positions of trust and honor in said city and county; that he has held the position of chief of police of Marion for four different terms, the position of constable for 16 years, deputy sheriff of Williamson County for 2 years, and justice of the peace for 8 years; that he has always been an advocate of law and order. He respectfully submits the foregoing to the kind consideration of the officers having charge of the records of the Union soldiers and respectfully asks that he may receive that degree of honorable recognition to which he feels that he is justly entitled.

CALEB T. HOLLAND.

Subscribed and sworn to before me by the above-named Caleb T. Holland this 26th day of April, A. D. 1913.

And I hereby certify that I have been personally and well acquainted with the affiant, Caleb T. Holland, continuously since 1868. Will further state that Caleb T. Holland is a man of good character, has a good reputation for peaceableness, honesty, and truth. I further certify that I am not related to Caleb T. Holland, either by blood or affinity, and that I have no interest whatever in his application for honorable discharge further than to give testimony as to his standing and reputation as a citizen.

[SEAL.]

GEO. W. YOUNG,
Notary Public, Marion, Ill.

Mr. MANN. I will ask unanimous consent that the remainder of the report may be printed in the Record without reading.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the remainder of the report may be printed in the Record without reading. Is there objection?

Mr. McKELLAR. Being very anxious to expedite the transaction of business, I shall not object.

The CHAIRMAN. Is there objection?

There was no objection.

The remainder of the report is as follows:

STATE OF ILLINOIS, Williamson County, ss:

Sion M. Otey, William Hendrickson, and James P. Copeland, each for himself being duly sworn, say that they were members of Company E, Sixtieth Illinois Volunteer Infantry. They were personally well acquainted with Caleb T. Holland, who was a private in said company and regiment. Said Holland made a good soldier. Affiants say they were familiar with the treatment said Holland received at the hands of Capt. Stephen Fogarty, who for a time was the captain of said company, and we know that Capt. Fogarty was ill and abusive and overbearing toward said Holland from about June, 1862, until said Holland left the command.

Capt. Fogarty was a bad man and was universally disliked by the members of Company E on account of his overbearing and tyrannical disposition; he had an ungovernable temper and was very much addicted to drinking intoxicating liquor, which at times caused him to become reckless and very unreasonable and oppressive in his conduct toward the members of the company and especially toward Comrade Holland. Of course, there was considerable talk among the men about the way Capt. Fogarty treated and abused Comrade Holland, as well as some others, upon various occasions and in different ways. It seemed like he had a plague or grudge at him, and often inflicted unnecessary and cruel punishment upon him, considering the age and experience of said Holland. And affiants further say that when Holland left the command at Mitchell, Ind., they never heard of anyone who blamed him for so doing. Affiants further say that said Holland was always ready to do his duty when called upon; he was no shirk. And after two years' service he reenlisted as a veteran, and we honestly believe that if he had received anything like considerate treatment at the hands of his captain he would have served honorably and faithfully to the end of the service.

They are not related to said Holland and they make the foregoing statements from personal knowledge and observation of the events and facts as they actually occurred at the time, and that justice may be done a good man and a good soldier.

WM. HENDRICKSON,
JAMES P. COPELAND,
SION M. OTEY.

Subscribed and sworn to before me this 26th day of April, A. D. 1913. I am not interested in this matter and I am personally and well acquainted with all the above-named witnesses, and they stand above reproach for honor, sobriety, and truthfulness.

GEO. W. YOUNG, Notary Public.

(Copy of original affidavit on file with the Commissioner of Pensions.)

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill.

Mr. MANN. Mr. Chairman, I move to amend by adding at the end of the bill the following proviso:

Provided, That no back pay, bounty, pension, or other emolument shall accrue by reason of the passage of this act.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding at the end of line 10 the following:

Provided, That no back pay, bounty, pension, or other emolument shall accrue by reason of the passage of this act."

The amendment was agreed to.

Mr. McKENZIE. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next bill.

HERMAN VON WERTHERN.

The Clerk read the bill (S. 2472) for the relief of Herman von Werthern, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Herman von Werthern, late captain of Company K, Second Regiment Louisiana Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as of the date of September 7, 1864, upon condition that no pay or compensation shall accrue by reason of the passage of this act.

Mr. GARD. Mr. Chairman, this is a bill which comes over from the Senate, and is for the relief of Herman von Werthern. The facts, briefly stated, are that Mr. von Werthern came to the United States in 1862 from Prussia, and immediately enlisted in the Civil War. After a service of some time he resigned because of his inability to understand the English language. He was requested to reenlist because of his knowledge of military tactics, which he did, and served until 1864, at which time there was proposed a combination of two Louisiana regiments, and, owing to some dissatisfaction concerning the reorganization, a number of the officers were impelled not to attend the conference concerning the reorganization or combination, and von Werthern was one of those officers. For this all were court-martialed and dismissed; but this disability has been long removed from all the others, so the report states, and we are now asked to remove the disability from von Werthern, whose sole crime in a military sense was that he did not attend a meeting called to effect a consolidation, the reason assigned by the officers, including von Werthern, being that they did not wish to leave a regiment of full number and lose their military identity in another regiment whose recruited strength was in doubt, and which, as a matter of fact, never was filled.

I reserve the remainder of my time.

Mr. MANN. Mr. Chairman, this man, Herman von Werthern, is reported as having been mustered into the service September 9, 1862, as a second lieutenant of Company I, One hundred and thirty-first Regiment New York Volunteer Infantry, to serve three years, and was transferred afterwards to Company D of the same regiment. He tendered his resignation in a letter dated at Alexandria, La., May 15, 1863, on the ground that his imperfect knowledge of the English language rendered it extremely difficult for him to perform the duties of an officer; and, second, that being an officer in the Prussian Army, having a furlough for two years, which would expire September 1, 1863, it became necessary that he should report to the Prussian war department on or before that date.

If he had been in the Prussian Army as an officer for two years, you would think he would have known enough to know whether he ought to enlist in the United States Army for three years and what his status would be. He was accordingly discharged from the service as second lieutenant, Company D, One hundred and thirty-first New York Volunteers, in special order No. 126, May 30, 1863, when he received his copy of the order of the discharge, and he was finally paid to include November 11, 1863.

Although he had received his discharge before completing a three-year enlistment, because he said he was required to report to the Prussian war department, he was, shortly after receiving his discharge, commissioned provisionally by Gen. Banks as first lieutenant, Company G, Second Regiment Louisiana Volunteer Cavalry, December 28, 1863, and was mustered into the service as such at New Orleans April 30, 1864, to serve three years, and is shown to have commanded a squadron of such regiment from May 20 to June 4, 1864.

While no record evidence was found of his service as captain of Company K, testimony has been submitted to the effect that he was commissioned as captain August 20, 1864, and that he performed the duties of captain until September 7, 1864, when he was dishonorably dismissed from the service. The circumstances of his dismissal are somewhat peculiar. Remember, he had first enlisted for a term of three years and had gotten a discharge on the ground that he was a Prussian officer and was required to report to the Prussian war department. Then he again enlisted for another term of three years immediately after getting his discharge, but there was trouble about the new regiment. These were Louisiana regiments. They were short of men, and at New Orleans, in August, 1864, Gen. Canby, in charge, directed a consolidation of the First and Second Louisiana Cavalry in orders which were issued.

This claimant on his second enlistment had enlisted in the Second Louisiana Cavalry. The orders were that "the First and Second Regiments of the Louisiana Cavalry will be con-

solidated as the First Louisiana Cavalry. To this end the enlisted men of the Second Louisiana Cavalry will at once be transferred to the First Louisiana Cavalry, and the commanding general, Nineteenth Army Corps, will convene a board of examiners before whom the officers of each regiment shall appear for examination."

This board met and proceeded to examine the officers of these regiments who presented themselves. But the officers of the second regiment, including this man who had been in the Prussian Army, who had enlisted twice in the United States Army, who served for a short period only under the first enlistment, did not like the order consolidating the two regiments. The general commanding had not asked this man whether he ought to consolidate the two regiments. It is true there were not enough men and officers in the two regiments to make more than one regiment, but the commanding officer had not consulted this officer and had not even consulted the privates in the regiment as to whether the two regiments should be consolidated. The officer disapproved of the consolidation. So, pouting and huffy, he formally declined to appear before the board of examination. He declined to appear along with some other officers of the regiment. Some of them sent this statement addressed to Gen. Davidson, the president of the board of examination:

BATON ROUGE, LA., August 30, 1864.

Brig. Gen. J. W. DAVIDSON,
President Board of Examination.

GENERAL: We, the undersigned officers of the Second Louisiana Cavalry, do most respectfully decline to appear before the board of examination, of which you are president, convened at Baton Rouge, for examination for positions in the First Louisiana Cavalry for the following reason, viz: That we do not wish positions in the First Louisiana Cavalry. We are, General, with great respect,
Your obedient servants, etc.

Not having been asked as to whether the regiments should be consolidated they wished to treasonably in time of war express their contempt for the commanding officers and did it in this way.

The result was that in special orders issued by the military headquarters of the Division of West Mississippi, dated September 7, 1864, these officers, or some of them, were—

dishonorably dismissed the service of the United States for declining to appear before a board of examiners convened for the purpose of determining the officers best qualified to be retained in the consolidation of the First and Second Louisiana Cavalry.

In paragraph 4 of the same orders all of the 19 officers who signed the paper dated August 30 (including Capt. Werthern), were also—

dishonorably dismissed the service of the United States for combining to subvert the action of a board of examination convened to determine the officers best qualified to be retained in the consolidation of the First and Second Louisiana Cavalry, and for declining to appear before the same for examination.

Here was a case where two regiments had been raised during the war in Louisiana for military reasons. For good reasons the regiments were ordered consolidated. To refuse to obey these orders was sufficient ground for being shot. Probably this man ought to have been shot. It was open contempt for his superior officer. He declined to obey the orders, and then was gotten off as lightly as could be with a dishonorable discharge.

This was no boy fresh from the country. Here was a man who had been two years in the Prussian Army as an officer, who had two enlistments in the volunteer forces of the United States. In the thick of the battle, as it were, and practically what was the enemy's country, he declined to obey orders and expressed his open contempt for military authority.

Mr. SAMUEL W. SMITH. Will the gentleman yield?

Mr. MANN. Yes.

Mr. SAMUEL W. SMITH. Does not the gentleman think that this case is of sufficient importance to have a quorum present?

Mr. MANN. I hope the gentleman from Michigan will not make the point of no quorum. I realize the fact that on bills of this kind it is not to be expected that all the Members of Congress will give attention to them. Necessarily, there is only a comparatively small portion of the membership of the House who will take an interest in private bills.

Now, I do not think bills of this kind should pass. It is true that the committee, in reporting this bill, says:

With this record of facts before us it would be difficult to understand how the Government of the United States could refuse to grant the petition of this veteran, whose error, if it could be termed an error, consisted only in joining fellow officers in a petition for what they conceived to be justice, and which error has been condoned in the individual cases enumerated, and the subsequent elevation of those equally in error to places of honor among the officers who fought for what they conceived to be right during the War between the States.

That is the recommendation of the Senate committee giving the best excuse that it could, but the fact is that this man, old

enough to know better, an officer in two armies, deliberately decided to flaunt in the faces of his military commanders their orders and to decline to obey them, and for that he received a dishonorable discharge, which he was entitled to have.

Mr. J. I. NOLAN. Mr. Chairman, the petitioner in this case is a constituent of mine, a resident of my congressional district. I have met the old gentleman on a number of occasions and am quite familiar with the circumstances of his case. I have read a good many letters which he has written to Members of Congress in times gone by, and to the President of the United States and to committees of both Houses of Congress that at various times have considered his case. The old man at the present time is over 86 years of age, feeble, and almost blind, and if his record is corrected it would just about give him an opportunity to end the rest of his days in peace. He can not live a great many years longer. If he is given a pensionable status and should secure a pension he will not live for any length of time to enjoy it.

There are some matters in connection with the case that ought to be brought to your attention. The Senate committee thinks it is a very meritorious case, one in which justice has been long delayed. Capt. von Werthern is in San Francisco, 86 years old, feeble, and nearly blind. He enlisted September 9, 1862, and at his own request he received a discharge from that first enlistment on November 11, 1863. On his first enlistment, in the New York Volunteers, he served about 14 months. During this time he was on furlough from the Prussian Army, and while it is true his furlough was for two years when he enlisted, he had to enlist for three years, and in order to be in a position to report to his former command, he, at his own request, was given an honorable discharge from the One hundred and thirty-first New York Volunteers.

As soon as matters were arranged so that he could again reenlist he joined the Second Louisiana Cavalry Volunteers as first lieutenant December 28, 1863, and served with the regiment until he was dishonorably discharged to September 7, 1864, during which service he was promoted to captain.

It seems that Capt. von Werthern, along with 22 other officers of the Second Louisiana Cavalry, was ordered to appear before an examining board after the First and Second Louisiana Cavalries were ordered to be consolidated. The facts are as follows: There were 11 companies of the Second Louisiana Cavalry, and the twelfth company was in process of formation. The First Louisiana Cavalry had less than 300 men mustered into the service and less than 150 men at that time present fit for duty. In other words, the Second Louisiana Cavalry, of which this man was an officer, had 11 full companies formed in the service and the twelfth about in process of formation. They were ordered to appear before an examining board to determine as to whether they should be classified in the consolidation as officers of the regiment. The men, from the colonel down, thought an injustice had been done them, owing to the fact that Col. Kelly, who commanded that regiment, spent one year of his time and a good deal of his money in recruiting the Second Louisiana Cavalry. The men were loyal to their commander, and all they did at that particular time was to refuse to obey the order to appear before the examining board. They thought they had that right and that it was not disobedience of orders. Col. Kelly, the commanding officer of the Second Louisiana Cavalry, was subsequently court-martialed for disobedience of orders, and on that the report reads as follows:

It appears from the report of the War Department that Capt. Kelly, or Col. Kelly, who helped to raise, at great expense to himself, the Second Louisiana Cavalry under conditions mentioned in the petition, was tried before a general court-martial upon the charges of "exciting a sedition," "conduct unbecoming an officer and a gentleman," and "conduct to the prejudice of good order and military discipline," the specifications to the charges being to the effect that "he, while acting as colonel of said regiment, refused to appear before the examining board and urged and incited certain of his subordinate officers (the 22 before mentioned) to sign and present to said board of officers a certain seditious paper, with the intent to impair and set at defiance the authority of the said board and of the general officers by whose orders it was convened and to defeat the object for which the said board was called."

Col. Kelly was acquitted of the charges, and the proceedings and findings were approved and promulgated by Gen. Canby October 13, 1864.

It also appears in the report of the War Department that several special orders were issued by Gen. Canby, dated, respectively, November 14, October 29, October 19, and November 26, 1864, revoking or purporting to revoke, so much of his order of September 7, 1864, as dishonorably dismissed Maj. Juste Fontaine, Capt. Ashburn, and Lieuts. Lester and McBeth, and dishonorably discharging them to date September 7, 1864, on their respective petitions for relief indorsed by their division commander.

It does not appear from the records whether Capt. von Werthern applied for relief or not at that time.

Col. Kelly was subsequently breveted brigadier general of Volunteers. This man, who was alleged to have been one of the chief instigators of this disaffection, and who was tried by court-martial and acquitted and

was afterwards breveted brigadier general of Volunteers, under date of October 17, 1864, wrote Capt. Herman von Werthern as follows:

"I deem it only my duty to bear testimony to your conduct as an honorable, high-toned officer and gentleman."

"In the field you have exhibited the true qualifications that a good officer should possess—bravery, intelligence, and fidelity. You have also had a long experience in service, and I well recollect when our first acquaintance was made in Italy, during the defense of Ancona. We fought for honor then; we could do no more."

"I very much regret that the service will lose in you a good officer and I a reliable comrade. Wishing you every success,

"I am, very truly, your sincere friend,

"D. J. KELLY,

"Colonel Second Regiment Louisiana Cavalry."

Mr. TALCOTT of New York. Was that after the order of dishonorable discharge?

Mr. J. I. NOLAN. That was after the order of dishonorable discharge that Col. Kelly was tried for seditious conduct and acquitted. He was the colonel of the regiment who, with these other 22 men, refused to appear before the examining board, feeling that an injustice was being done them, inasmuch as their regiment constituted 11 cavalry companies, with the twelfth about formed, and the First Louisiana Cavalry, for which this consolidation was ordered, contained only 300 men all told, with 150 available for immediate duty.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. J. I. NOLAN. Certainly.

Mr. GARD. And is it not true, also, that this Col. Kelly was acquitted of this charge of sedition?

Mr. J. I. NOLAN. By general court-martial; and he was afterwards breveted brigadier general of volunteers.

This man, Capt. von Werthern, is 86 years old. He is very feeble and is almost blind. He is very much affected by and interested in the passage of this bill. A short while ago this proposition came up on the Calendar for Unanimous Consent. At that time the bill was objected to, and it went over. He happened to see that in the RECORD. I did not deem it worth while to acquaint him with the facts at the time, as I felt the bill would be reached in time on the Private Calendar. He wrote to me, and he thought that his opportunity for having his record straightened out had gone by and that he would have to try all over again in the next Congress.

I think this is an act of simple justice to this man. While it is a fact that he had been an officer in the Prussian Army, and probably should have known a great deal better, the very fact that Col. Kelly was tried by court-martial and acquitted for the same offense, and afterwards had honors heaped upon him by the United States Government, makes me feel that this bill ought to be passed; and, more than that, it shows that there is great merit in the claim that an injustice was done the officers of the Second Louisiana Cavalry in the way they were deprived of their rightful command.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield?

Mr. J. I. NOLAN. Yes.

Mr. GOULDEN. What was the length of service of this Capt. Von Werthern?

Mr. J. I. NOLAN. His first service dated from September 9, 1862, to November 11, 1863.

Mr. GARD. December, 1863, to June, 1864.

Mr. J. I. NOLAN. Along about in 1864. You might say that his service altogether was from September 9, 1862, until the middle of the year 1864. Mr. Chairman, I trust the committee will lay the bill aside with a favorable recommendation that it do pass.

Mr. HAYES. Mr. Chairman, I know the old gentleman who is the subject of this legislation, and know all of the facts, having investigated them some years ago. The only offense that this man, with the other officers, can be charged with is perhaps a little overloyalty to his colonel. They thought the colonel was being illtreated, and they petitioned the department to prevent what they thought was going to be an injustice, and for this they were dishonorably discharged. That is all it amounts to, and all of the 22 officers have been restored; that is, they have been given an honorable discharge, excepting four, two of whom are now dead. It would be a simple act of justice, it seems to me, to give this old man an honorable discharge and let him have the satisfaction—because that is all it amounts to—of having his record cleared up, after having tried for years to have it done. I hope the House will pass the bill.

Mr. STAFFORD. Mr. Chairman, in reading the report there was one fact that struck me very forcibly, and that was the acquittal by court-martial, at the time of the occurrence, of the colonel of the regiment. Here was the colonel of this Second Regiment of Volunteer Cavalry, with these 19 officers, who protested against being merged into the First Regiment of Cavalry and having their commands superseded upon an examination, when they had a full complement of men in their own regi-

ment, and there was a very small complement of men in the First Cavalry. The colonel, who was supposed to be the instigator, supported by the various officers of the companies, of which Von Werthern was one, was court-martialed immediately as being one of the head offenders, but he was acquitted, and subsequently, within a couple of months thereafter, others under general orders were restored to the service; but these other men, without having been given the opportunity of trial by court-martial, were summarily discharged, were not given the opportunity of resigning. I join with my two colleagues from California and with the gentleman who made the report upon this bill and who made such a succinct statement of the facts in believing that this is a meritorious case, long delayed, and worthy of recognition.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Herman von Werthern, late captain of Company K, Second Regiment Louisiana Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as of the date of September 7, 1864, upon condition that no pay or compensation shall accrue by reason of the passage of this act.

Mr. MANN. Mr. Chairman, I move to strike out the enacting clause.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the enacting clause.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 7, noes 23.

So the motion was rejected.

Mr. GARD. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. WILLIS. Mr. Chairman, before the gentleman does that I want to ask my colleague a question. Does the gentleman think—

Mr. HAY. Mr. Chairman, this motion is not debatable.

The CHAIRMAN. The motion is not debatable.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word.

Mr. HAY. Mr. Chairman, I make the point of order the gentleman can not move to strike out the last word.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Before the Chair sustains the point of order I desire to suggest that the gentleman can not move to lay a bill aside with a favorable recommendation and cut off all amendments to the bill.

Mr. HAY. But nobody was on his feet seeking recognition.

Mr. MANN. I beg the pardon of the gentleman from Virginia, but the gentleman from Ohio [Mr. WILLIS] was on his feet seeking recognition from the Chair.

Mr. GARD. Mr. Chairman, I would be very glad to answer any question the gentleman may desire to ask.

The CHAIRMAN. If the gentleman was on his feet asking recognition—

Mr. McKELLAR. Mr. Chairman, I ask unanimous consent that the gentleman may be permitted to put his question.

Mr. GARD. I would be pleased to answer any question the gentleman desires to ask.

Mr. MANN. It is not necessary to ask unanimous consent.

Mr. WILLIS. I simply desire to ask the gentleman the question whether this language in lines 10 and 11 is sufficient to accomplish the purpose which the committee evidently had in view? This is not in the usual form at all.

Mr. GARD. I have not the bill before me.

Mr. WILLIS. It reads "no pay or compensation shall accrue by reason of the passage of this act." I am not at all opposed to the bill, but it seems to me the provision ought to be in the usual form, so it would read "no back pay, bounty, pension, or other emolument shall accrue by the passage of this act." Is not that what is in mind by the proviso?

Mr. McKELLAR. Why does not the gentleman offer the amendment? He has that right.

Mr. WILLIS. Mr. Chairman, I move to amend by inserting, after the word "no" in line 10, the word "back," so it will read "no back pay," and after the word "or" insert the words "bounty, pension, or other emolument" and strike out the word "compensation." That makes the language in the usual form.

Mr. GARD. It is intended to convey the idea that no back pay shall come to this man.

Mr. WILLIS. I take it that is the purpose of the bill.

Mr. GARD. We have no objection to the amendment of the gentleman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 10, after the word "no," insert the word "back," and after the word "pay" insert the words "bounty, pension, or other emolument," and strike out the word "compensation."

The question was taken, and the amendment was agreed to. Mr. GARD. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The question was taken, and the motion was agreed to.

So the bill was ordered laid aside with a favorable recommendation.

Mr. GARD. May I ask that the bill immediately preceding this one be reported by the Clerk.

Mr. MANN. No; the one immediately following.

Mr. GARD. The one immediately preceding was passed over and not reported.

Mr. MANN. That is not a desertion bill.

Mr. GARD. Technically it is not a desertion bill; I am free to admit that.

The CHAIRMAN. The bill was passed over under the rule.

AARON S. WINNER.

The next business in order on the Private Calendar was the bill (S. 725) to correct the military record of Aaron S. Winner. The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws Aaron S. Winner, who was a private in Company H, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that company and regiment on the 25th day of July, 1865.

Mr. McKELLAR. Mr. Chairman, I ask that the bill be read for amendment.

The bill was read.

Mr. McKELLAR. Mr. Chairman, I move to amend the bill by inserting after the words "sixty-five," line 9, page 1, the following: "Provided, That no back pay, bounty, allowance, or other emolument shall accrue by reason of the passage of this act."

Mr. MANN. The Clerk has the exact language at the desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 9, after the words "sixty-five" insert the following: "Provided, That no back pay, bounty, pension, or other emolument shall accrue by reason of the passage of this act."

The question was taken, and the amendment was agreed to. Mr. McKELLAR. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to; accordingly the bill was laid aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, it will take some little time to pass the bills in the House, and I submit that there is no quorum present.

Mr. McKELLAR. Mr. Chairman, I move that the committee do now rise and report the bills with the recommendation that the amendments be agreed to and that the bills as amended do pass.

The motion was agreed to; accordingly the committee rose, and the Speaker having resumed the chair, Mr. RAINEY, Chairman of the Committee of the Whole House, reported that that committee, having had under consideration sundry bills on the Private Calendar, some with amendments and some without, they had been ordered to be laid aside with a favorable recommendation and he had been directed to report the same to the House with the recommendation that the amendments be agreed to and that the bills as amended do pass.

MILES A. HUGHES.

Mr. MANN. Mr. Speaker, I would like to submit possibly a parliamentary inquiry: I am not sure whether it is one or not. House bill 14711, No. 403 on the Private Calendar, for the relief of Miles A. Hughes, is a bill in which the gentleman from Kentucky [Mr. FIELDS] is interested. It is now on the Private Calendar, but according to my notes it was passed on August 1 last. I would like to inquire if the Clerk still has that bill up there as not passed?

The SPEAKER. The Chair has no information but what the Clerk says.

Mr. McKELLAR. I have no recollection of that.

Mr. MANN. I think we passed that bill.

The SPEAKER. That bill passed the House August 1.

Mr. FOSTER. It is so marked on the calendar, Mr. Speaker.

Mr. MANN. If that is correct, I would like to have it stricken from the Private Calendar.

The SPEAKER. Of course, it ought to be taken off the Private Calendar, and it will be so done.

VETO MESSAGE—POSTAL SAVINGS SYSTEM (H. DOC. NO. 1162).

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

I return herewith House bill No. 7967, entitled "An act to amend the act approved June 25, 1910, authorizing a postal savings system," without my approval.

With most of the provisions of the bill I am in hearty accord. They are admirably conceived, and the changes of law which they propose would undoubtedly be very beneficial to the postal savings system; but a portion of section 2 seeks to make a change in the Federal reserve act of last December which I venture to regard as unwise.

When the Federal reserve act was passed it was thought wise to make the inducements to State banks to enter the Federal reserve system as many and as strong as possible. It was therefore provided in the act that Government funds should be deposited only in banks which were members of the Federal reserve system. The principle of such a provision is sound and indisputable. The moneys under the control of the Government ought to be placed only in those banks which are most directly under the supervision and regulation of the Congress itself. It was recognized also that the scattering of Government deposits in small amounts among too large a number of banks would in time of stress be of decided disadvantage to the Federal reserve system which seeks as much as possible to mobilize the financial resources of the country under one control. The bill which I now return repeals that provision so far as it might apply to funds accumulated in the hands of the Government under the postal savings system. It is in this provision of the bill that I find myself unable to concur.

It is my clear conviction, very respectfully urged and submitted, that as a matter of principle as well as of policy we should strengthen and safeguard the new banking system very jealously with a view to the ultimate unification of the entire banking system of the country under the supervision of the Federal Reserve Board. It would, in my judgment, be a grave mistake to take away any of the benefits or advantages held out by the present law to member banks to enter the system, and take them away just as the system is about to be put into operation and the promises of the act of last December made good to the banks that have entered.

I am not insensible of the inconvenience which some banks might suffer if the postal savings funds were withdrawn at this particular time, though the law itself, of course, conveyed notice of that removal fully nine months ago. I am not sure that the Federal Reserve Board would not be justified under the terms of the law as it now stands in exercising a certain liberal discretion in determining the time and the rate at which deposits should be withdrawn from banks not within the system. But assuming that there has not been notice enough and that the withdrawal would of necessity be rapid or immediate, I venture to suggest that the otherwise admirable bill which I now return might be amended, and might, because of the financial circumstances now temporarily existing, be very advantageously amended, to extend for another 12 months the period within which banks not members of the Federal reserve system must surrender the deposits of the Government. May I take the liberty of suggesting that this be done? It would remove from this bill the only feature which seems to me incompatible with sound public policy.

WOODROW WILSON.

THE WHITE HOUSE,
September 11, 1914.

The SPEAKER. The veto message is ordered printed and referred to the Committee on the Post Office and Post Roads.

Mr. MANN. The Speaker has not the power to refer it.

The SPEAKER. What is the reason?

Mr. MANN. The Constitution provides that we are to vote.

The SPEAKER. The Chair knows that; but that does not mean that it must be done instantly. The gentleman from Tennessee [Mr. Moon], chairman of the Committee on the Post Office and Post Roads, may make a motion.

Mr. MOON. Mr. Speaker, I move that the message and the bill be printed and referred to the Committee on the Post Office and Post Roads.

Mr. BURKE of Pennsylvania. Mr. Speaker, under the Constitution the House is bound to consider it.

Mr. MANN. It has been repeatedly held, Mr. Speaker, that the House can refer it by motion. It is not one of those things that the Speaker has the power to refer.

The SPEAKER. The Chair has not time to hunt it up, but will take the safe course. The gentleman from Tennessee

[Mr. Moon] moves that the message and bill be referred to the Committee on the Post Office and Post Roads and printed.

The motion was agreed to.

BILLS PASSED.

The SPEAKER. The Clerk will report the first bill reported from the Committee of the Whole House.

The first bill reported from the Committee of the Whole House was the bill (S. 754) for the relief of Jacob M. Cooper, with an amendment.

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

The next bill reported from the Committee of the Whole was the bill (S. 5065) for the relief of Mirick Burgess.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

The next bill reported from the Committee of the Whole was the bill (S. 1063) for the relief of Philip Cook, with an amendment.

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

The next bill reported from the Committee of the Whole was the bill (H. R. 17752) for the relief of Caleb T. Holland, with an amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

The next bill reported from the Committee of the Whole was the bill (S. 2472) for the relief of Herman von Werthern, with an amendment.

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

The next bill reported from the Committee of the Whole was the bill (S. 725) to correct the military record of Aaron S. Winner, with an amendment.

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. McKellar, a motion to reconsider the votes by which the several bills were passed was laid on the table.

ORDER OF BUSINESS.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that on to-morrow, after the agreement entered into this morning has been fulfilled, Senate bill 6266 shall be taken up for consideration; that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of that bill; and that one hour's general debate shall be allowed, one half to be controlled by myself and the other half by the gentleman from Iowa [Mr. HAUGEN].

Mr. GARRETT of Tennessee. What is the bill?

Mr. LEVER. The warehouse bill.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that to-morrow, after the reading of the Journal and the carrying out of the special order which was made this morning, it shall be in order to call up the bill S. 6266; that the House resolve itself into the Committee of the Whole House on the state of the Union for its consideration; and that general debate shall be confined to one hour, half to be controlled by himself and the other half by the gentleman from Iowa [Mr. HAUGEN].

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 15613. An act to create a Federal trade commission, to define its powers and duties, and for other purposes; and

H. J. Res. 311. Joint resolution instructing American delegate to the International Institute of Agriculture to present to the permanent committee for action at the general assembly in 1915 certain resolutions.

ADJOURNMENT.

Mr. McKellar. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned until Saturday, September 12, 1914, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MANN: A bill (H. R. 18745) in relation to the location of a navigable channel of the Calumet River in Illinois; to the Committee on Interstate and Foreign Commerce.

By Mr. RUCKER: A bill (H. R. 18746) to provide revenue for the Government by increasing the tax on incomes and reducing the amount of exemptions; to the Committee on Ways and Means.

By Mr. KEATING: A bill (H. R. 18747) to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest; to the Committee on the Public Lands.

By Mr. BUCHANAN of Illinois: Joint resolution (H. J. Res. 345) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BORLAND: A bill (H. R. 18748) granting a pension to Eugene G. Burt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18749) granting an increase of pension to Fritz Voth; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 18750) granting an increase of pension to Washington A. Coon; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 18751) granting a pension to James P. Merrifield; to the Committee on Pensions.

By Mr. JACOWAY: A bill (H. R. 18752) for the relief of Finis M. Williams; to the Committee on Military Affairs.

By Mr. PAIGE of Massachusetts: A bill (H. R. 18753) granting a pension to John K. Collins; to the Committee on Invalid Pensions.

By Mr. RUPLEY: A bill (H. R. 18754) granting an increase of pension to Samuel I. McPherron; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18755) granting an increase of pension to Philip H. Sipe; to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: A bill (H. R. 18756) for the relief of Mollie H. Pumphrey; to the Committee on Claims.

By Mr. SPARKMAN: A bill (H. R. 18757) granting a pension to Nicholi L. Nelson; to the Committee on Pensions.

By Mr. WHITACRE: A bill (H. R. 18758) granting a pension to Charles H. Muncaster; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 18759) for the relief of Samuel Gorman; to the Committee on Military Affairs.

By Mr. HOUSTON: A bill (H. R. 18760) for the relief of the heirs of Granville Pierce; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY (by request): Petition of citizens of Saxton, Pa., and Liberty Township, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BATHRICK: Petition of citizens of Lockwood, Ohio, favoring national prohibition; to the Committee on Rules.

Also, petition of A. R. Champney, Elyria, Ohio, against tax on "soft drinks"; to the Committee on Ways and Means.

Also, petition of citizens of the nineteenth Ohio district, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. BELL of California: Petition of Holy Cross Court, No. 1292, Catholic Order of Foresters, Los Angeles, Cal., favoring Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. BRODBECK: Petition of Federation of Trades Unions, York, Pa., against exportation of breadstuffs, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. BRUCKNER: Petition of United Hatters of North America, Local No. 8, Brooklyn, N. Y., favoring House bill 1873, the anti-injunction bill; to the Committee on the Judiciary.

Also, petitions of F. V. Smith (Inc.), New York, and De La Vergne Machine Co., New York, against House bill 1873, the anti-injunction bill; to the Committee on the Judiciary.

By Mr. CALDER: Petition of Local Union 132, Cigarmakers' Union of America, against further tax on cigars; to the Committee on Ways and Means.

Also, petition of G. F. Kalkhoff, New York, against H. R. 17363; to the Committee on the Post Office and Post Roads.

Also, petition of Northern Lumber Co. and Board of Trade, North Tonawanda, N. Y., favoring river and harbor bill; to the Committee on Rivers and Harbors.

Also, petition of Memorial Baptist Church, Brooklyn, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of D. R. K. Staatsverbund, of New York State, against national prohibition; to the Committee on Rules.

By Mr. EAGAN: Petition of Liquor Dealers' Protective League of New Jersey, against further tax on whisky; to the Committee on Ways and Means.

Also, petition of National Mineral Water Co., of West New York, United Bottling Co., of Union, and Fred Helmke, of Hoboken, all in the State of New Jersey, against proposed tax on "soft drinks"; to the Committee on Ways and Means.

By Mr. LOBECK: Petition of 200 citizens of Waterloo, Nebr., favoring national prohibition; to the Committee on Rules.

Also, petition of C. Vincent, Omaha, Nebr., against exportation of foodstuffs; to the Committee on Interstate and Foreign Commerce.

Also, petition of 45 merchants of Arlington, Benson, Papillion, Herman, Fort Calhoun, Kennard, Florence, Valley, Millard, Bennington, Blair, and Waterloo, Nebr., favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. MORIN (by request): Petition of John L. Porter, Pittsburgh, Pa., against House bill 17363, relative to use of mails in effecting insurance on persons, etc.; to the Committee on the Post Office and Post Roads.

Also (by request), petition of City Council of Pittsburgh, Pa., favoring Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

Also (by request), petition of citizens of Pittsburgh, Pa., favoring amendment to section 85 of House bill 15902; to the Committee on Printing.

By Mr. PLUMLEY: Petition of 19 citizens of West Wardsboro, Vt., favoring national prohibition; to the Committee on Rules.

By Mr. PROUTY: Petition of citizens of Woodward, Ankeny, Huxley, Kelley, and Granger, Iowa, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. THOMAS: Petition of 400 citizens of Greenville, Ky., favoring national prohibition; to the Committee on Rules.

SENATE.

SATURDAY, September 12, 1914.

(Legislative day of Saturday, September 5, 1914.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

THE PEOPLE'S BANKS IN AMERICA (S. DOC. NO. 580).

Mr. FLETCHER. I ask unanimous consent, out of order, to submit a unanimous report from the Committee on Printing, and I ask for its consideration.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. FLETCHER, from the Committee on Printing, reported the following resolution (S. Res. 453), which was considered by unanimous consent and agreed to:

Resolved, That the manuscript submitted by Mr. FLETCHER on June 26, 1914, entitled "The People's Banks in North America," by H. Mitchell, M. A., department of public and economic science, Queen's University, Kingston, Ontario, be printed as a Senate document.

MARKETING OF FARM PRODUCTS (S. DOC. NO. 579).

Mr. FLETCHER, from the Committee on Printing, reported the following resolution (S. Res. 454), which was considered by unanimous consent and agreed to:

Resolved, That the manuscript entitled "Marketing of Farm Products," by David Lubin, United States delegate to the International Institute of Agriculture, be printed as a Senate document.

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

Mr. SIMMONS. I call for the regular order.

Mr. MARTINE of New Jersey. Will the Senator from North Carolina desist for just one moment?

Mr. SIMMONS. If it is simply the introduction of a bill I will not object.

Mr. MARTINE of New Jersey. I ask unanimous consent for the consideration of Senate bill 6454, which was introduced by the Senator from California [Mr. PERKINS], and which I report favorably from the Committee on Industrial Expositions, every member of the committee in the city agreeing to the report. It is a bill to authorize the Government Exhibit Board for the Panama-Pacific International Exposition to install any part or parts of the Government exhibit at the said exposition either in the exhibit palaces of the Panama-Pacific International Exposition Co. or in the Government building at said exposition.